

the day before he left this city, seeking rest and quiet at his home in Lynchburg, I sat by him in this House talking over some matters that had recently given him much concern. When I asked after his health and expressed the hope that he would soon be with us again, he laid his hand over his heart and remarked, "There is something wrong here; I can not tell what will be the result." In a few days the wires flashed to us the sad intelligence that our colleague had passed from earth to the great beyond.

In the death of Hon. PETER J. OTEY the Sixth Congressional district of Virginia lost a faithful and efficient Representative and the State a true and loyal son, who served her well in war and peace. A faithful and devoted husband, an affectionate father and grandfather, and a warm-hearted and sympathetic friend has been removed from the companionship of those whom he delighted to supply with every needed comfort and cheer with the words of affection and good will that came from a heart unusually free from selfishness as well as envy and uncharitableness.

Were I asked to point out in a word the leading trait of character in our departed colleague, I would say that charity was his crowning virtue. During the five years of somewhat intimate association with him I never heard him speak unkindly of anyone. His political opponents will, I am sure, bear willing testimony to this. Although possessing a fund of humor that he employed at times with telling effect, he never used this power to detract from another or in such a manner as to leave any sting of bitterness behind. He was ever ready to serve a friend, and would put himself to any trouble in order to aid a colleague. In this respect, as well as in other qualifications, he was well equipped for his arduous duties as a member of the Committee on Claims.

Many others here besides myself will testify to the truth of this observation. His industry was equally conspicuous. This gave him a hold upon his district. No member of the Virginia delegation worked more constantly and effectively for his people. His constituents often spoke to me of his untiring zeal in their behalf. Had he lived it is my belief that he would have remained in Congress as long as he desired. I take this occasion to bear willing testimony to his helpfulness. He had served in the Fifty-fourth Congress. I came in the Fifty-fifth. I had known him slightly as a business man and a useful citizen, but knew him in spirit as a gallant Confederate soldier. This tie soon drew us together, and he was prompt to offer such suggestions and assistance as a new member always appreciates and can never forget.

His acquaintance with the details of the work here soon attracted my attention, and I was not slow to follow his example and profit by his advice. He had a taste for his work as well as ability to perform it. Men of extraordinary ability are sometimes failures as Representatives for lack of the taste, tact, and industry that are absolutely necessary in order to meet the demands of an exacting or possibly censorious constituency. With an adaptability to the work and ability to perform it, Major OTEY had acquired the experience necessary for the duties of his position, and was giving his district and State a splendid service when death laid his cold hand upon him and transferred his immortal spirit to the better land, whose Maker had endowed our friend with a generous heart and loving disposition.

In the death of our colleague another of that incomparable body of men, "the glorious infantry of the army of northern Virginia" has passed from earth's scenes to the celestial city, not made with hands, whose builder is God.

I have not spoken of our friend's faith; we may well judge his faith by his works, for we know that "Faith without works is dead." The generous disposition and gentle qualities our colleague possessed come through the inspirations of a spirit that is not of earth; hence we may infer that our friend had learned more of the things of the spirit than he revealed to those not bound to him by the ties of home and consanguinity. Of one thing I am sure, our friend had the unshaken faith of the Confederate soldier in the justice and right of his cause; and there are soldiers all over Virginia to-day—I often hear them express themselves—who believe that a good and merciful Father above will look with special favor upon and prepare places for the men who sacrificed so much for liberty and home. Many of these, now three score years of age, are struggling with poverty and burdened with cares, while a large majority, with rare spiritual faith, are looking for a heavenly land. A few believe in the law of compensation, and are satisfied that the Confederate soldier will have the full reward for all his toils and sacrifices and losses when the Great King above pensions those who deserve as well as those who win success.

In this House in the Fifty-fifth Congress we had 32 ex-Confederate soldiers. Major OTEY prepared a careful list of these. We remember the interest he took in a banquet at which was gathered these 32 Representatives, with 16 of the Senate. He was in his element that night as he listened to and himself recounted the war scenes of forty years ago.

The Fifty-eighth Congress will not number 20 ex-Confederates. On both sides of this Chamber the soldiers who met in conflict forty years ago are diminishing in numbers. They are falling more rapidly than they fell in battle. In a few years the places that know them now will know them no more forever. The members of the Grand Army of the Republic, by whose deeds of valor we ex-Confederates may well measure our manhood and chivalry, are falling at the rate of 1,000 a month. The sons of these soldiers may well be proud of the deeds of their fathers. Many of them stood shoulder to shoulder in recent conflicts. After forty years of warfare the houses of York and Lancaster were united in one. More than a generation has passed since our civil war. May every trace of its bitterness soon pass away and this Republic live to bless the world and gladden the hearts of men everywhere, preparing them for the universal reign of peace and righteousness on earth.

The SPEAKER pro tempore (Mr. JONES of Virginia). Now, in accordance with the resolutions previously adopted, the House stands adjourned until 11 o'clock to-morrow.

And accordingly (at 3 o'clock and 25 minutes p. m.) the House adjourned.

## SENATE.

MONDAY, June 30, 1902.

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills and joint resolution:

A bill (S. 1949) to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy;

A bill (S. 4762) to prevent any consular officer of the United States from accepting any appointment from any foreign State as administrator, guardian, or to any other office of trust without first executing a bond, with security, to be approved by the Secretary of State;

A bill (S. 6091) extending the time for making final proof in desert-land entries in Yakima County, in the State of Washington; and

A joint resolution (S. R. 118) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Arturo R. Calvo, of Costa Rica.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 97) to authorize the Secretary of War to furnish duplicate certificates of discharge;

A bill (H. R. 11400) in relation to taxes and tax sales in the District of Columbia, approved February 28, 1898; and

A bill (H. R. 12086) to extend the time for the construction of the East Washington Heights Traction Railroad Company.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. 11573) for the relief of settlers on lands granted in aid of the construction of wagon roads;

A bill (H. R. 15270) to amend an act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi channel, known as the Morris and Cummings ship channel, in Aransas, Tex.;" and

A joint resolution (H. J. Res. 198) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the thirty-sixth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 493) to amend an act to establish a code of law for the District of Columbia.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or branded;

A bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes; and

A bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. MUDD, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CAPRON, Mr. DICK, and Mr. HAY managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 1, 7, 9, 13, 24, 25, 26, 37, 38, 39, 40, 43, 46, 47, 52, 56, 57, 58, 61, 64, 76, 77, 88, 89, 91, 92, and 93 to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, further disagrees to the amendment of the Senate numbered 91, upon which the committee of conference were unable to agree, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. DAYTON, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message further returned to the Senate, in compliance with its request, the message of the Senate of March 11, 1902, disagreeing to the report of the committee of conference on the bill (H. R. 8586) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898."

#### NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 7, 13, 46, 47, 52, 56, 57, 58, 64, 77, 92, and 93.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 25, 26, 38, and 89; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "That the appointment of six additional civil engineers is hereby authorized, three to be appointed during the present calendar year, and the other three in the calendar year 1903." and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 37, 38, 39, and 40, and agree to the same with an amendment, as follows: In lieu of the amended paragraph, (being lines 18, 19, 20, and 21, on page 83 of the bill), and of the amendments, insert the following:

"Navy-Yard, Charleston, South Carolina: Stone and concrete drydock (towards completion), two hundred and fifty thousand dollars: Provided, That the amount authorized in the Act of June seventh, nineteen hundred, to be expended for the purchase of a site for a naval station at or in the vicinity of Charleston, South Carolina, from the appropriation of a new naval station and a dock be increased from one hundred thousand dollars to one hundred and six thousand dollars, and six thousand dollars are hereby appropriated, office building for the commandant, thirty-five thousand dollars; quarters for the commandant, twelve thousand dollars; quarters for civil engineer, seven thousand five hundred dollars; landing and wharves, fifty thousand dollars; grading and drainage, ten thousand dollars; work shop (to cost eighty thousand dollars), fifty thousand dollars; storehouse and storekeepers' office, fifty thousand dollars; equipment building (to cost one hundred and twenty-five thousand dollars), sixty-two thousand five hundred dollars; machine shop for steam engineering (to cost one hundred and seventy-four thousand dollars), eighty thousand dollars; foundry and copper shop for steam engineering (to cost one hundred and eighteen thousand dollars), sixty thousand dollars; power house (to cost fifty thousand dollars), twenty-five thousand dollars; work shop for ordnance, forty thousand three hundred dollars; shipfitters' shop with mould loft and furnace shed for construction and repair (to cost two hundred thousand dollars), fifty thousand dollars; power house and fuel storage for construction and repair (to cost eighty thousand dollars), thirty-five thousand dollars; machine shop for construction and repair (to cost one hundred and twenty thousand dollars), forty thousand dollars; joiner shop for construction and repair (to cost one hundred and twenty thousand dollars), thirty thousand dollars; foundry for construction and repair (to cost seventy-five thousand dollars), twenty thousand dollars; in all, navy-yard, Charleston, nine hundred and thirteen thousand three hundred dollars.

"In all cases where buildings and structures are provided for in this Act and where appropriations in full are not made for the same, authority is hereby given to the Secretary of the Navy, in his discretion, to enter into contracts for the entire construction of such buildings and structures, with the limit of cost as fixed in this Act."

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert the following: \$7,649,325.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following: That, in addition to the number of naval constructors and assistant naval constructors now authorized, the appointment of six assistant naval constructors is hereby authorized, two to be appointed during the present calendar year, and the remaining four in the calendar year of 1903.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following: That, until the year 1914, in addition to the naval cadets now authorized by law, (the title having been changed by this act to midshipmen) the President shall appoint five midshipmen, and there shall be appointed from the States at large, upon the recommendation of Senators, two midshipmen for each State.

And the Senate agree to the same.

The amendment numbered 91 the committee of conference have been unable to agree; and the Senate agree to the same.

EUGENE HALE,  
GEORGE C. PERKINS,  
B. R. TILLMAN,  
*Managers on the part of the Senate.*  
GEORGE EDMUND FOSS,  
ALSTON G. DAYTON,  
ADOLPH MEYER,  
*Managers on the part of the House.*

The report was agreed to.

Mr. HALE. I move that the Senate insist upon its amendment still in disagreement and agree to the further conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. HALE, Mr. PERKINS, and Mr. TILLMAN were appointed.

#### DISTRICT STREET RAILWAYS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes.

The amendments were, on page 1, line 11, to strike out all after the word "avenue," down to and including line 2, page 2, and insert:

*Provided, That until streets of suitable width to accommodate a double-track railway shall be opened substantially on a line northerly from the terminus of the extension of the railway herein provided for and of the Metropolitan Railway on Old Sixteenth street, cars may be switched on Lydecker avenue and on Old Sixteenth street, respectively.*

On page 2, after line 15, insert:

SEC. 5. That the time within which the Washington and Gettysburg Railway Company shall construct its line within the District of Columbia is extended two years from March 1, 1903.

On page 2, line 16, to change "Sec. 5" to "Sec. 6."

Mr. GALLINGER. I move that the Senate insist upon its amendments to the bill and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MARTIN were appointed.

#### PETITIONS AND MEMORIALS.

Mr. QUAY presented the petition of Kate Emilie Duval, praying that certain relief be granted her; which was referred to the Committee on Claims.

Mr. KEAN presented a petition of Silk City Lodge No. 188, International Association of Machinists, of Paterson, N. J., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented petitions of sundry letter carriers of Camden; of Coopers' Local Union No. 151, of Trenton; of Tin and Sheet Metal Workers' Local Union No. 11, of Trenton; of Carpenters and Joiners' Local Union No. 121, of Bridgeton; of Engineers and Firemen's Local Union No. 256, of Jersey City; of Electrical Workers' Local Union No. 3, of Jersey City; of the Women's Christian Temperance Union, of Hoboken, and of Sanitary Pressmen's Local Union No. 45, of Trenton, all in the State of New Jersey, praying for the enactment of legislation to increase the compensation of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. FORAKER) presented petitions of Western Reserve Lodge, No. 731, International Association of Machinists, of Warren, and of Iron Molders' Local Union of Alliance, in the State of Ohio, praying for the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

He also (for Mr. FORAKER) presented petitions of the congregation of the Methodist Episcopal Church of Oxford, of the Young People's Society of Christian Endeavor of Ruggles, and of the



congregation of the United Presbyterian Church of Oxford, all in the State of Ohio, praying for the adoption of certain amendments to the anti-canteen law; which were referred to the Committee on Military Affairs.

He also (for Mr. FORAKER) presented a memorial of Cigar Makers' Local Union No. 48, of Toledo, Ohio, remonstrating against any reduction being made in the duty on cigars and tobacco; which was referred to the Committee on Finance.

He also (for Mr. FORAKER) presented a petition of 132 citizens of Washington Court-House, Ohio, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. FAIRBANKS presented a petition of Iron Molders' Local Union No. 284, of Connersville, Ind., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

Mr. CULLOM presented resolutions of the city council of Chicago, Ill., favoring the enactment of legislation providing for the holding of an exposition in that city; which were referred to the Select Committee on Industrial Expositions.

He also presented a petition of Iron Molders' Local Union No. 223, of Springfield, Ill., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of New Athens, Ill., remonstrating against the enactment of legislation authorizing the issuance of post checks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Retail Clerks' Association of Streator, Ill., praying for the enactment of a Sunday rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of the National Guard and Naval Militia Association of Illinois, praying for the enactment of legislation to promote the efficiency of the militia; which were referred to the Committee on Military Affairs.

He also presented a petition of 40 citizens of Bethalto, Ill., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented petitions of the Chicago Leaf Tobacco Merchants' Association, of Chicago, and of 28 cigar manufacturers of Chicago, in the State of Illinois, praying for a reduction of the duty on raw materials imported from Cuba, and remonstrating against any reduction of the duty on cigars and cigarettes; which were referred to the Committee on Finance.

#### PENSION WORK OF THE SESSION.

Mr. GALLINGER. Mr. President, in answer to a great many inquiries, I wish to make a statement of the work done by the Committee on Pensions during the present session.

*Statement of general bills referred to the Senate Committee on Pensions, and action taken thereon, during the first session of the Fifty-seventh Congress.*

[June 28, 1902, inclusive.]

Senate bills referred to committee.....	33
Approved by President .....	1
Passed Senate .....	2
On Senate Calendar .....	1
On House Calendar .....	1
Indefinitely postponed .....	1
Recommitted .....	2
No action by Senate .....	25
Total .....	33

House bills referred to Senate committee.....	2
Approved .....	1
Not examined .....	1
Total .....	2

Total number of Senate and House general bills referred to committee..... 35

*Statement of private bills referred to the Senate Committee on Pensions, and action taken thereon, during the first session of the Fifty-seventh Congress.*

[June 28, 1902, inclusive.]

Senate bills referred to committee.....	2,532
Approved by President .....	339
Awaiting approval .....	98
On House Calendar .....	52
Not acted on by House .....	77
No action by Senate .....	1,986
Total .....	2,532

House bills referred to Senate committee .....	1,071
Approved by President .....	595
Awaiting approval .....	119
On Senate Calendar .....	97
Examined and ordered laid aside .....	60
Recommitted .....	2
Vetoed .....	1
Senate bills reported in lieu .....	2
Adversely reported (dead) .....	3
Passed Senate and recalled from President .....	2
Not examined .....	190

Total .....

Total number approved and awaiting approval—House and Senate..... 1,151

Total number of bills introduced in House and referred to both committees thereof..... 7,518  
Total number of bills introduced in Senate..... 2,552

Total number of bills introduced in both Houses..... 10,070

Mr. COCKRELL. Let the statement be printed as a separate document.

Mr. GALLINGER. I intended it for the RECORD.

Mr. COCKRELL. I ask that it be printed as a separate document also. That will be a more convenient form in which to use it.

Mr. GALLINGER. Very well.

The PRESIDENT pro tempore. The Senator from Missouri asks that the paper submitted by the Senator from New Hampshire be printed as a document as well as in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

#### REPORTS OF A COMMITTEE.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills and joint resolution, reported adversely thereon, and they were postponed indefinitely:

A bill (S. 1770) for the relief of A. G. Boone;

A bill (S. 1706) to carry out the findings of the Court of Claims in favor of R. L. Pritchard & Co., of Page County, Va.;

A bill (S. 164) to pay the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the civil war; and

A joint resolution (S. R. 41) authorizing the Secretary of the Treasury to ascertain, allow, and pay the claims of the several States for all moneys by them actually paid to aid the General Government in maintaining the national defense when carrying on the war of the rebellion.

#### ISADORE VON BALSAN AND OTHERS.

Mr. WARREN, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the bills (S. 1126) for the relief of Isadore von Balsan, (S. 1749) for the relief of Thomas G. Johnson, (S. 2789) for the relief of Ella M. Guy, (S. 2973) for the relief of Stephen Bird, executor of John Bird, deceased, (S. 3142) for the relief of the estate of James L. Holland, deceased, (S. 3335) for the relief of the estate of Jesse L. Norman, deceased, and (S. 5448) for the relief of the estate of C. H. Kinnard, deceased, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

#### BILLS INTRODUCED.

Mr. MCOMAS introduced a bill (S. 6310) for the erection of a statue of General Otho Holland Williams, at Williamsport, Md.; which was read twice by its title, and referred to the Committee on the Library.

Mr. KEAN (for Mr. FORAKER) introduced a bill (S. 6311) granting an increase of pension to Isaiah Marler; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KITTREDGE introduced a bill (S. 6312) for making a grant of alternate sections of the public lands in the district of Alaska to aid in the construction of a certain railroad and telegraph line in said district, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

#### EXPENDITURES OF ISTHMIAN CANAL COMMISSION.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate*, That the Secretary of State is directed to send to the Senate a statement of the expenditures of the Isthmian Canal Commission, under an act approved March 3, 1899, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, as the same are accounted for by said Isthmian Canal Commission; and also whether there is any deficit in the appropriation which is to be or has been provided for by further appropriations.

#### KILLING OF SEALS, ETC., BY EXPLOSIVE MATERIALS.

Mr. HALE. I am obliged to be absent nearly all the time in conference. I should like very much to call up the bill (S. 6286) prohibiting the killing or taking of seals, porpoises, whales, or marine animals or fish of any kind in the waters of the United

States by means of explosive materials, and for other purposes. It was reported by the Senator from California [Mr. BARD] the other day from the Committee on Fisheries. There is no objection to it, and I ask that it be considered. The Senator from Alabama [Mr. MORGAN] asked that it might go over for examination. He has read the bill. It is a very important measure and ought to be passed.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### HOUSE BILL REFERRED.

The bill (H. R. 11573) for the relief of settlers on lands granted in aid of the construction of wagon roads was read twice by its title, and referred to the Committee on Public Lands.

#### BRIDGE ACROSS CORPUS CHRISTI CHANNEL.

The bill (H. R. 15270) to amend an act entitled "An act to authorize the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings ship channel, in Aransas County, Texas," approved May 4, 1896, was read twice by its title.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill. It is very short, and it is absolutely essential that it should be passed promptly.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### NATIONAL ENCAMPMENT OF GRAND ARMY OF THE REPUBLIC.

The PRESIDENT pro tempore. The Chair lays before the Senate a joint resolution from the House of Representatives and calls the attention of the Senator from North Dakota [Mr. HANSBROUGH] to it.

The joint resolution (H. J. Res. 198) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the Thirty-sixth National Encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment, was read twice by its title.

Mr. HANSBROUGH. There is a similar joint resolution on the Calendar, reported from the Senate Committee on the District of Columbia. I suppose it will be in order to move to substitute the House joint resolution for the Senate joint resolution.

Mr. GALLINGER. And to ask for the immediate consideration of the House joint resolution.

Mr. HANSBROUGH. And I ask for its immediate consideration.

The PRESIDENT pro tempore. Is the Senate joint resolution similar in terms to the House joint resolution?

Mr. HANSBROUGH. Precisely.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent for the present consideration of the House joint resolution, it simply being like a joint resolution already on the Calendar, and reported favorably to the Senate. Is there objection?

Mr. COCKRELL. Let it be read for information.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Senate joint resolution No. 121, being a joint resolution with the same title, will be postponed indefinitely.

#### IRRIGATION STATISTICS.

Mr. BURTON. I ask unanimous consent to call up the joint resolution (H. J. Res. 182) authorizing the Director of the Census to compile statistics relating to irrigation.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. PLATT of Connecticut. Will the Senator from Kansas explain how the direction to the Director of the Census to complete this work depends on the publication of the agricultural report?

Mr. BURTON. I did not understand the Senator's question.

Mr. PLATT of Connecticut. As I caught the reading of the joint resolution it directs the Director of the Census, when a certain agricultural report shall have been published, to take up this work. Perhaps I did not catch it correctly.

Mr. BURTON. The statistics have been brought up to 1899, and the joint resolution proposes to direct the Director of the Census to bring them up to 1902. I am advised by the Department that it will not require any additional clerical help whatever.

Mr. SPOONER. It is a House joint resolution?

Mr. BURTON. Yes, a House joint resolution.

Mr. PLATT of Connecticut. Is it the intention to have it all published in one document—that is what has been done by the Agricultural Department and what is to be done by the Census Department—or is it to be in two separate documents?

Mr. SPOONER. I suppose the agricultural statistics of the Census Bureau are referred to.

Mr. BURTON. Yes, sir.

Mr. SPOONER. And not the agricultural statistics of the Agricultural Department?

Mr. BURTON. No, sir.

Mr. PLATT of Connecticut. Perhaps I did not catch the reading correctly.

Mr. QUARLES. If the Senator will permit me, I am advised that a large portion of the material has already been collected and that it requires to be collated and published. The people interested in this matter are exceedingly desirous to have it done seasonably, and I am advised that it can be done practically without any additional expense.

Mr. PLATT of Connecticut. I was mistaken. I thought that it referred to work that had been partially done by the Agricultural Department.

Mr. BURTON. No.

Mr. QUARLES. Oh, no.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ELIZABETH A. NALLEY.

Mr. GALLINGER. While I have been of the opinion that it was unwise to clear the Calendar of pension bills, my attention has been called to one, the beneficiary of which is the invalid and dependent daughter of a soldier. She is suffering from cancer, and probably will not live until the beginning of the next session. For that reason I ask consent to call up the bill (H. R. 11171) granting a pension to Elizabeth A. Nalley.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Elizabeth A. Nalley, helpless and dependent daughter of William H. Nalley, late captain Company A, Fifth Battalion District of Columbia Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### TIMBER LANDS IN NEW MEXICO.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (H. R. 11062) to amend an act entitled "An act to make certain grants of land to the Territory of New Mexico, and for other purposes."

This bill has been read twice, and the amendments of the Senate Committee on Public Lands agreed to. It was asked to go over on Friday by the Senator from Missouri [Mr. COCKRELL] when it was reached on the Calendar. I do not understand that he objects to it now.

Mr. COCKRELL. I objected to the bill, not having clearly understood the object and the effect of it. I ask the Senator from Arkansas [Mr. BERRY] to make a statement, and I will then withdraw my objection.

Mr. BERRY. Mr. President, as the bill came from the House it provided for the disposition of certain lands in New Mexico which were given by the Government to that Territory. Under the law then passed those lands might be disposed of by the Territory at \$1.25 an acre, provided not more than 160 acres should be sold to any one individual.

The House passed this bill, providing that the timber on not more than 25,000 acres might be sold, and put no limitation or no minimum price on the land. It came to the Committee on Public Lands. The Senator from Minnesota [Mr. NELSON] and myself and others insisted that the House bill ought not to pass without a limitation, that the officers of that Territory should not be permitted to sell 25,000 acres of the white pine on the land without a limitation as to the price. So the committee amended the bill and provided that the timber on the land should not be sold for less than \$4 an acre and that the sale should be at public auction.

Now, it increases the number of acres which may be sold from 160 to 25,000 acres. Under the present law all the timber land may be sold for \$1.25 an acre. The legislature of the Territory think that they could get much more for the land under this bill than under the present law.

The object in desiring that such a large tract shall be sold is that they contemplate building a railroad through that section of



country, and the people there think this bill will tend to facilitate that. Therefore if the bill shall pass both Houses with the Senate amendment, I think it would enable the Territory to get \$4 or more per acre, instead of \$1.25, under the present law; but I would never agree to the passage of the bill as it came from the House unless the Senate amendment was to remain in it, because then there would be no limitation whatever on the officers. That is the situation. After the amendment was made the Senator from Minnesota and the entire committee agreed to report the bill.

Mr. COCKRELL. I withdraw my objection to the bill with the distinct understanding that when it goes into conference, if it goes into conference, the amendments of the Senate are not to be receded from.

Mr. SCOTT. Mr. President, I object to the further consideration of the bill.

Mr. GAMBLE. It is just on its passage. I ask the Senator to withdraw his objection.

Mr. SCOTT. As I understand the bill, it virtually provides for taking from the Territory 25,000 acres of timber land. I am opposed to doing that.

Mr. GAMBLE. I did not hear the remark of the Senator from West Virginia. Will he please repeat it?

Mr. SCOTT. As I understand the bill, it provides for the sale of 25,000 acres of timber in the Territory.

Mr. COCKRELL. Not of timber land, but only of the timber on the land.

Mr. BERRY. Yes.

Mr. SCOTT. The timber of this country is being denuded so fast now that I am opposed by my vote or by my sanction in any way to giving away any further timber, to have it destroyed or cut—

Mr. SPOONER. Will the Senator from West Virginia allow me a moment? Congress is not parting with this timber. I objected to this bill when it came up the other day because I had had no opportunity to examine it. This timber was granted long ago on this land to the Territory of New Mexico, the proceeds of the sale of the land or timber to be devoted to the construction, I believe, of certain public buildings, so that the title to this land has passed from the United States and vested in the Territory. There was a limitation upon the right to sell in this way that no more than 160 acres should be sold to one purchaser. Of course the Senator knows that in an isolated tract of land not accessible by railway no person could be found to buy 160 acres of timber, because he could not get it away.

The Delegate came to me after my objection and told me—and it is purely a local matter—that it was very desirable that they should be permitted to sell this timber, removing the restriction as to 160 acres in order that they might thereby facilitate the construction of a projected railway and develop the Territory. The committee has wisely amended the bill so as to provide that it shall be sold at public sale and that the upset price shall not be less than \$4 an acre. It being a local matter, and the Delegate from New Mexico having stated the case as he did, and just as the Senator from Arkansas has stated it, I withdrew my objection. As the matter stands now, it might as well be a prohibition upon the Territory from selling it at all. It was the intention of Congress that it should at some time be sold and the money used, because otherwise the timber can not be used.

Mr. SCOTT. If the Senator will allow me, the money was to be used and expended for irrigation.

Mr. BERRY. No.

Mr. SPOONER. No; it was ordered to be used for the erection of certain public buildings, the capitol building, I think, for one.

Mr. GAMBLE. An agricultural school.

Mr. SPOONER. They can not use it without selling it.

Mr. GAMBLE. It was also to be used for a normal school.

Mr. BERRY. If the Senator from Wisconsin and the Senator from South Dakota will permit me to make one remark, I will state that if the railway company or other parties see fit to do so they can go and get enough individuals to buy up this land and pay a dollar and a quarter an acre for it under the present law. Therefore, I think the bill as amended by the Senate committee is better for the Territory, because it provides that there shall be a sale at public auction and that the timber shall be sold for not less than \$4 an acre, and the Territory will still have the land remaining, whereas under the present law it may be sold—land, timber, and all—at a dollar and a quarter an acre. The legislature of New Mexico, as I remember it, passed an act asking that this be done.

Mr. SCOTT. If the Senator from Arkansas will amend his bill so that timber or stumpage under a certain size shall not be cut, I will withdraw my objection; but otherwise I shall insist upon it.

Mr. BERRY. It is not the bill of the Senator from Arkansas; it is a House bill, and was reported from the Committee on Public Lands of the Senate, of which I happen to be a member. The committee reported these amendments, and I will not make any

change in them, so far as I am concerned, whether the Senator from West Virginia objects or not. It is a matter for him to determine whether he shall do so or not. I did not call up the bill and have not asked for its passage. I simply, on the request of the Senator from Missouri [Mr. COCKRELL], explained the bill.

Mr. SCOTT. I have a number of objections to the bill, but I do not want at this late day of the session to take up the time by stating them. They have little enough rain in New Mexico now, and if the balance of the timber they have there shall be cut down the people of that Territory will be without rain at all. If the bill can be amended so as to prevent the destruction of the underbrush or trees of a certain size, say 6 or 8 inches across the stump, leaving something with which to start a new forest there, I shall be willing to withdraw my objection, otherwise I shall insist on the objection. I want to protect the timber there if I can.

Mr. SPOONER. The Senator's position practically dishonors the gift of this land made long ago by the Government of the United States to the Territory of New Mexico.

Mr. SCOTT. If the Senator will allow me, if the land has been given to them and they have control of it already, why do they come back and ask Congress to pass such legislation?

Mr. SPOONER. If the Senator will permit me, he does not understand this case. Congress granted this land to the Territory of New Mexico.

Mr. SCOTT. I understand that.

Mr. SPOONER. The proceeds—which, of course, involves the sale—to be used in the construction of a normal-school building and other buildings of a certain nature. The title passed to New Mexico and is in New Mexico, subject to the restriction that no more than 160 acres can be sold to any one person. There is now no limitation as to the amount of timber or the size of the timber which may be cut upon any 160-acre tract; but, as the matter now stands, the land is isolated from railways, and in the absence of permission to sell it in larger lots, it is impossible to utilize the land at all. On the theory of my friend the Senator from West Virginia, who is a broad-minded man, this land never can be used or utilized in any way for the purpose for which it was given to the Territory of New Mexico. It can not be used in kind, it can not be utilized at all, except through sales, the proceeds of which must be applied to the construction of these buildings.

Mr. SCOTT. Allow me to ask the Senator from Wisconsin if the Territory of New Mexico has a right to provide that the timber may be cut?

Mr. SPOONER. Undoubtedly. New Mexico is under only two restrictions. One is that the land shall not be sold in larger tracts than 160 acres to any one person, and the second is that the money shall be used for a specific purpose. The reason why the Territory asks this legislation is because it can not sell the land in such small subdivisions, and it desires to be permitted to sell the timber on tracts not exceeding 25,000 acres at public sale at a price not less than \$4 an acre, in order to realize the money with which to erect these buildings.

Mr. GAMBLE. I should like to suggest to the Senator from West Virginia that the public lands in the Territory of New Mexico are under a board which is under the legislative authority of the Territory. This bill simply provides that the land shall be sold under such rules and regulations as may be prescribed by the board of public lands in the Territory of New Mexico.

Mr. ELKINS. I will say to my colleague that the Senator from South Dakota [Mr. GAMBLE] is right about that.

Mr. SCOTT. I will withdraw my objection if that be the case. All I desired was a provision to properly control the matter.

Mr. PATTERSON. I had hoped that the Senator from West Virginia [Mr. SCOTT] would insist on his objection. I desire to renew it.

The PRESIDENT pro tempore. Objection is made.

Mr. PATTERSON. I want to say in this connection, Mr. President, that the disposition of the timber that belongs to the Territory of New Mexico should be kept in status quo as nearly as possible until New Mexico becomes a State.

I know from experience in my own State that State legislatures situated as will be the legislature of the State of New Mexico are very loath to part with the timber in their States in such immense quantities—40 square miles of timber to be sold to one individual or corporation. Speculators would buy it up if for no other purpose than to hold it until such time as it might be used or sold by them to better advantage as private individuals or as corporations and yield them an immense fortune in the future.

Mr. BERRY. Will the Senator permit me a moment?

The PRESIDENT pro tempore. This debate is proceeding by unanimous consent. Objection has been made to the consideration of the bill.

Mr. BERRY. I ask unanimous consent of the Senate to say a word in reply to the statement of the Senator from Colorado [Mr. PATTERSON], who is mistaken about the facts in this case. I merely want to correct him.

In the first place, the Territory of New Mexico already has the

right to sell this land, timber and all, at \$1.25 an acre. The Senate amendment was to enable the Territory to get more than that, and then to provide for a public sale at not less than \$4 an acre for the timber. I merely wanted to correct the Senator in that respect.

Mr. KEAN. I call for the regular order, Mr. President.

Mr. PATTERSON. That the Territorial legislature has not sold the timber I think is pretty good evidence that the Territorial legislature desires to preserve it.

Mr. BERRY. The Territorial legislature passed an act—

Mr. KEAN. Regular order, Mr. President.

The PRESIDENT pro tempore. Objection being made, the bill is not before the Senate.

#### SOL BEAR & CO.

Mr. JONES of Arkansas. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 303) for the relief of Sol Bear & Co., to report it favorably without amendment. I ask unanimous consent for its consideration at this time. It will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay \$156.64 to Sol Bear & Co., of Wilmington, N. C., upon their first surrendering to the Commissioner of Internal Revenue the original stamps issued for that sum of money.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JACOB L. HANGER.

Mr. COCKRELL. Mr. President, some time ago the bill (H. R. 3690) for the relief of Jacob L. Hanger was passed by the House and sent to the Senate. The Senate passed a substitute for the bill, and it was sent back to the House. The House disagreed to the Senate amendment, and asked for a conference. It came back to the Senate, the Senate agreed to the conference, and the conferees were appointed. Now, two of the conferees on the part of the Senate are absent, the Senator from Connecticut [Mr. HAWLEY] and the Senator from Vermont [Mr. PROCTOR], and I am the only one of the conferees now present. But the conferees have agreed. The House conferees have agreed to recede from the disagreement of the House to the Senate amendment, which would leave the Senate amendment to become a law. The only question now is parliamentarily whether we must have two other conferees appointed, or whether the Senate will accept this report, let it go to the House, and if the House should agree to the Senate amendment, that will be the end of it.

Mr. PLATT of Connecticut. Has the House agreed to the conference report?

Mr. COCKRELL. The House has not agreed to the conference report. Two of the conferees on the part of the House have signed it, but there is only one conferee on the part of the Senate.

Mr. PLATT of Connecticut. Has the House acted?

Mr. COCKRELL. The House has not acted, because the report has to be first made to the Senate.

The PRESIDENT pro tempore. What is the objection to having new conferees appointed on the part of the Senate to fill the vacancies on the conference committee?

Mr. COCKRELL. I know of no objection.

The PRESIDENT pro tempore. The difficulty is in making a conference report signed by but one conferee on the part of the Senate.

Mr. COCKRELL. I suppose that is so. I will suggest that the Senator from West Virginia [Mr. SCOTT] and the Senator from Wyoming [Mr. WARREN] be appointed conferees in place of the Senator from Connecticut and the Senator from Vermont.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the Senator from Connecticut [Mr. HAWLEY] and the Senator from Vermont [Mr. PROCTOR] be excused from further service on the conference committee on the bill, and that the Senator from West Virginia [Mr. SCOTT] and the Senator from Wyoming [Mr. WARREN] be appointed in their place. Is there objection? The Chair hears none, and that order is made.

Mr. COCKRELL subsequently said: I submit a conference report on House bill 3690, which I ask to have read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3690) for the relief of Jacob L. Hanger having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

F. E. WARREN,  
N. B. SCOTT,  
F. M. COCKRELL,  
*Managers on the part of the Senate.*  
RICHARD WAYNE PARKER,  
F. W. MONDELL,  
*Managers on the part of the House.*

The report was agreed to.

#### REGULATION OF IMMIGRATION OF ALIENS.

Mr. ELKINS. I am directed by the Committee on Printing, to whom was referred the resolution submitted by the Senator from Pennsylvania [Mr. PENROSE] on the 28th instant, to report it favorably with an amendment. I ask unanimous consent for the present consideration of the resolution.

There being no objection, the Senate proceeded to consider the resolution submitted by Mr. PENROSE on the 28th instant, as follows:

*Resolved.* That there be printed for the use of the Committee on Immigration 10,000 copies of Senate Report No. 2119 and testimony on the bill to regulate the immigration of aliens, and of House of Representatives bill which said report accompanies.

The amendment reported by the Committee on Printing was, in line 2, before the word "copies," to strike out "ten thousand" and insert "seven thousand five hundred."

The amendment was agreed to.

The resolution as amended was agreed to.

#### SUBPORTS AT TACOMA AND SEATTLE, WASH.

Mr. FOSTER of Washington. I ask unanimous consent for the present consideration of the bill (H. R. 11987) relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to extend the privileges of the first section of the act approved June 10, 1880, relating to the transportation of dutiable merchandise without appraisement to Tacoma and Seattle, subports of entry in the customs collection district of Puget Sound, State of Washington.

Mr. COCKRELL. The report is short in that case, and I ask that it be read. It will only take a moment.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the following report, submitted by Mr. MASON on the 26th instant:

The Committee on Commerce adopts the House report, as follows:

"The Committee on Ways and Means, to whom was referred the bill (H. R. 11987) relating to transportation of dutiable goods at subports of Tacoma and Seattle, submit the following report:

"The object of this bill is to give to the subports above named the commercial privileges of importation of goods in bond as is provided for in section 1, act of June 10, 1880.

"The letter of the Secretary of the Treasury is hereto appended, and, as appears, approves of this bill.

"We recommend that the bill be passed."

#### TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, May 23, 1908.

SIR: I have the honor to acknowledge the receipt of your communication of the 28th instant, with which was transmitted House bill 11987, providing for the extension to Tacoma and Seattle, subports of entry in the customs collection district of Puget Sound, State of Washington, of the privileges of the first section of the act approved June 10, 1880, relating to the transportation of dutiable merchandise without appraisement.

In reply to your request for an expression of my views as to whether or not the bill should be enacted into a law I have to state that in view of the large quantities of oriental merchandise imported at the ports named and destined for other ports in the United States I am of opinion that commercial necessities require the passage of the bill, and I therefore commend it to the favorable consideration of the Committee on Ways and Means.

Respectfully,

L. M. SHAW, Secretary.

HON. SERENO E. PAYNE,

Chairman Committee on Ways and Means, House of Representatives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ADMISSION OF CUBA.

Mr. ELKINS. Mr. President, I ask that the joint resolution introduced by me on the 14th instant may be read.

The PRESIDENT pro tempore. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

*Resolved, etc.,* That Congress doth consent that the territory properly included within and rightfully belonging to the Republic of Cuba may be erected into a new State, to be called the State of Cuba, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of this Union.

2. *And be it further resolved,* That the foregoing consent of Congress is given upon the following conditions and with the following guarantees, to wit: First. The constitution of said State, with the proper evidence of its adoption by the people of said Republic of Cuba, shall be transmitted to the President of the United States, to be laid before Congress for its final action on or before the 1st day of January, 1904. Second. Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defense belonging to said Republic of Cuba, shall retain all the public funds, debts, taxes, and dues of every kind which may belong to or be due and owing said Republic, and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Cuba, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States.

3. *And be it further resolved,* That if the President of the United States shall in his judgment and discretion deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Cuba as an overture on the part of the United States for admission, to negotiate with that Republic; then,



*Be it resolved*, That a State, to be formed out of the present Republic of Cuba, with a republican form of government and with representatives in Congress, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission shall be agreed upon by the Governments of the Republic of Cuba and the United States; and that the sum of \$100,000 be, and the same is hereby appropriated to defray the expenses of missions and negotiations to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate or by articles to be submitted to the two Houses of Congress, as the President may direct.

Mr. ELKINS. Mr. President—

Mr. SPOONER. If the Senator will pardon me one moment, I should like to have the first subdivision of that joint resolution again read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read the first subdivision of the joint resolution.

Mr. ELKINS. The joint resolution I had the honor of introducing in the Senate, which has just been read, has been misunderstood. The introduction of this resolution had no relation to nor bearing whatever upon the question of the Cuban reciprocity bill pending before the Committee on Cuban Relations of the Senate. It has been my judgment for a long time, independent of all questions of reciprocity and trade relations, that Cuba would inevitably become part of the United States. This being the case, I have believed the sooner the annexation was consummated the better it would be for both nations.

It has been claimed that the resolution is untimely and an offense to Cuba by even suggesting annexation at this time. The letter and spirit of the resolution furnishes no ground of offense. The resolution provides that Cuba must take the initiative, and only when she asks for annexation can the United States take action. Under the resolution, if Cuba fails to ask to be admitted as a State there can be no annexation. There has been no time within the last fifty years when the people of Cuba, if they could have had their choice, independent of Spain, would not have gladly consented to become a State in the American Union. Then, why should it be any cause of offense now that she is free, largely by the grace of the United States, to simply indicate our willingness that in the event it should be her wish to become a State we would consent? Texas, after gaining her independence by the valor and heroism of her people alone and unaided, did not regard it an offense to be asked to come into the American Union as a State. The same invitation set forth in this resolution was extended to the people of Texas. They were not offended, and they did not regard it beneath their dignity to promptly accept it; and why should Cuba be offended? We have spent two hundred millions of our money and watered the soil of Cuba with the blood of our soldiers to gain her independence.

For nearly a century the annexation of Cuba to the United States has been the dream and ambition of American statesmanship. Jefferson and the earlier statesmen favored it and looked forward to its certain consummation.

Jefferson said:

I candidly confess that I have ever looked on Cuba as the most interesting addition which could ever be made to our system of States.

President Polk in 1848 offered \$100,000,000 for Cuba.

It is known that President Pierce favored the acquisition of Cuba and instructed Mr. Buchanan, minister to England, Mr. Mason, minister to France, and Mr. Soule, minister to Spain, in 1854 to take up the subject with European governments. Their conclusions were incorporated in what is known as the Ostend Manifesto; they urged the purchase of the island of Cuba from Spain for \$120,000,000, and stated that they regarded the island as necessary to the United States and the sale advantageous to Spain. They added, if this offer was not accepted, that self-preservation is the first law of nature.

The Democratic platform of 1860 favored the acquisition of Cuba.

Discussion and agitation were delayed on account of the fear that annexation would extend the area of slavery and increase the slave power in the Government. President Garfield and Mr. Blaine had annexation in mind in the beginning of the Garfield Administration, and it was their purpose to make the acquisition of Cuba one of the aims of that Administration. At that time \$200,000,000 was not regarded as too much to pay Spain for Cuba.

President Garfield, a few days before the dastardly shot of the assassin which took away his life, pointing to a map in the Cabinet room, said to a friend:

Do you know that Cuba is right at our doors, and farther west than Pittsburgh, and don't you think her acquisition would be a great thing for our country?

President McKinley, speaking to the Cuban commissioners who came to Washington to look after the question of defining the relations between the two countries, said:

If you only were a member of the family, how easy it would all be.

Discussing the speech President McKinley made at Austin, Tex., while en route to the Pacific coast, Henry Litchfield West, who is

not only an able and accomplished writer, but a close observer and a man of accurate judgment, says, in the Forum, December (1901):

The conditions in Cuba are much more satisfactory, and much discussion is not likely to be provoked unless an attempt is made to arrange a reciprocity treaty with the new government of that island. \* \* \* It is hardly possible that a sincere effort will be made at this early stage of Cuba's development to agitate for the annexation of the island. Had President McKinley been spared, some action in this direction would have been inaugurated. There is no doubt he looked forward to annexation as the ultimate solution of the Cuban problem.

After nearly a century of waiting, the time seems opportune now to carry into effect the well-defined wishes of a majority of the people of Cuba and the United States in regard to annexation. No sufficient reason can be urged against annexation. Under all the circumstances annexation now is in the interest of both countries. I never favored it before, and opposed the Spanish war partly for the reason that in the event of war the United States would be compelled to acquire all the territory of Spain in the Western Hemisphere. This I did not desire.

The environment of Cuba, being a small country, right under the shadow of the Great Republic, beset with trials and difficulties on the threshold of her national life—these and other things stand in the way of her being long an independent nation, while as a State in the American Union her people would be prosperous and progressive; the products of her soil, the richest on the earth, would find a ready market at home and abroad; her people would become citizens of the Great Republic, an honor greater than being Roman citizens in the best days of the Roman Empire, and enjoy the liberties and all the blessings that would flow from being part of the best, greatest, and freest Government in the world.

After annexation the products of Cuba would not come into hurtful competition with those of the United States. Free trade amongst the States has never lowered the price of labor or worked injury to American interests. Wherever our flag floats the price of labor advances. Under our immigration laws this would soon be the case in Cuba, and the price of labor in both countries would be the same for the same work. With annexation Cuba would have the best market in the world for all her products at her very doors in her sister States unhindered by duties, and the farmers and manufacturers of the States would supply everything needed by Cuba as against all other countries.

It is claimed that annexation would destroy the promising and growing beet-sugar industry of the United States. Not so, however. The price of products among the States of the Union always seeks an equilibrium. With proper protection in favor of the cane sugar of Cuba, which she will enjoy as a State, and the beet sugar of the United States, within fifteen years the United States would not only produce enough sugar for its own consumption, but largely compete with other countries in the markets of the world.

But for the war with Spain, although so successful and glorious, Cuba would now be a part of the United States. Before the declaration of war, at the instance of the United States, Spain granted the armistice on the island demanded by the Cuban insurgents. President McKinley, in his great desire to avert the war, worked hard to secure this result, and I think if the armistice had come a week earlier or President McKinley could have had thirty days longer he would, through peaceful negotiations, have induced Spain to surrender sovereignty over Cuba and Porto Rico.

It was clear that only through the intervention of the United States by peaceful means or war could the people of Cuba ever have hoped to end Spanish rule on the island. Nothing short of the annexation of Cuba would have justified the United States in intervening and paying Spain \$200,000,000 for the island. The people of Cuba would have welcomed annexation, as it offered the only escape from Spanish domination on the island.

Even with the war, had it not been for our declaration that the war was not waged for conquest or aggrandizement, known as the Teller amendment, Cuba would to-day be a part of the United States, just as Porto Rico and the Philippines are. This amendment has proved both mischievous and unwise. There was no need of the United States, on the eve of war, declaring what it would or would not do during or following the war. Wise men, and a nation governed by wise men, in entering upon great transactions should never make unnecessary declarations and pledges.

The difficulties, trials, and troubles we had in Cuba, Porto Rico, and Hawaii, and are now having in the Philippines, are but the pulse beats of national expansion, the growing pains of the Republic, natural and logical in the progress and development of a great nation. They will soon pass away and be forgotten, and we will look upon our island possessions with pride and satisfaction and as useful acquisitions necessary to holding and increasing our trade and commerce in the Pacific Ocean and the Orient, and for our national defense.

When Cuba shall become a part of the American Union and

the isthmian canal shall be completed, which is now assured, Porto Rico, Cuba, Hawaii, and the Philippines will be the outposts of the great Republic, standing guard over American interests in the track of the world's commerce in its triumphant march around the globe. Our people will soon see and feel that these island possessions belonging to the United States are natural and logical, and in the great part we are to play in the affairs of the world we would not only not give them up, but wonder how in the working out of our national destiny we could get on without them. This splendid chain of island possessions, reaching half around the world, would not be complete without Cuba, the gem of the Antilles.

The provisions of the act of Congress demanding that Cuba insert the conditions in her constitution, commonly known as the Platt amendment, prevent Cuba from being an entirely free and independent nation. We have put upon her conditions which, in a sense, may be to the mutual interest of both countries, but, while insuring a certain security to Cuba, makes her, in effect, a dependent nation, and as long as these conditions stand as part of our laws and embedded in her constitution she can never be a free and independent nation. The people of Cuba will soon learn that it is far better to be a State in the American Union, with Senators and Representatives in Congress, than to be a dependent nation. This furnishes one of the reasons why I think her people will prefer giving up national existence and becoming a part of the Great Republic.

There is a tendency in all human affairs, in government, trade, and commerce, to concentration and combination. Meteors go to the sun; small nations are becoming parts of great nations, and Cuba in her present environment, situated as she is, can not be expected to resist this tendency. Thoughtful and intelligent people, both in Cuba and the United States, believe that it is manifest destiny that Cuba should become a part of the United States. Why not anticipate the sure workings of time and do now what the people of both nations will welcome later on with joy, unanimity, and enthusiasm. Now is the most opportune time for annexation before Cuba contracts debts and strains her credit to start in the race of national life, and before the United States in order to further help Cuba makes more sacrifices either by abandoning her economic traditions and breaking down the policy of protection, which has brought such great prosperity and success to our people, or otherwise. In the long future, yet not so long in the lives of nations, Cuba would become one of the richest and most progressive States of the Union.

Only the beginning of the history of the relations between the two Republics has been written, one brief chapter, a chapter, however, unparalleled in the world's history, for what the United States has done for Cuba no nation ever did for another. Both countries can now agree upon and write down what they wish and what is to their mutual interest before difficulties, embarrassments or hindrances to annexation come about. Cuba can now act freely before individuals and combinations, for selfish purposes make action in the future troublesome. Prompt and untrammelled action now will safeguard the interests of both Cuba and the United States.

Americans have always had an affectionate interest in Cuba's welfare; they gave their blood and treasure freely to expel the Spaniard from this beautiful island and to secure her people the liberties they now enjoy. Our honored President testified his interest in and affection for Cuba by his splendid heroism on San Juan Hill. The worthy President of Cuba, Señor Don Tomas Estrada Palma, able, honest, loyal, and unselfish, knows the heart of the American people; he and the statesmen of Cuba know the Great Republic can be trusted and that the rights of a State in the American Union are indestructible.

The effect of the Platt amendment, though not intended, will operate to bring about annexation. A nation can not long remain half free and half dependent; such a condition embarrasses healthy progress in national life, and leaves but little room for the exercise of the genius and intelligence of a people in the affairs of government, especially when under such restrictions as these amendments impose.

I will put in contrast the language of the Teller amendment and the words of the Platt amendment. They are absolutely inconsistent. I was opposed to both, but was hushed into silence because our great leaders, great lawyers, and best thinkers in the Senate thought it was wise to adopt them. But they rise up now to plague us.

We promised the people of Cuba, upon their establishing a government, we would surrender the sovereignty and control of the island to them. Long before our Army was withdrawn from the island we passed the Platt amendment, which restricted that very control. This is the position in which we are to-day. We did the best we knew how; we acted from the very best motives; I do not challenge them.

The first and fourth clauses of the joint resolution, approved

April 20, 1898, for the recognition of the independence of Cuba, and in effect declaring war against Spain, are as follows:

First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

As to the first clause all know that the people of Cuba were not at that time free and independent, yet we solemnly declared them to be, though it took our Navy and an army of 100,000 men to make this declaration a fact.

The fourth clause, commonly known as the Teller amendment, prevented Cuba from coming to us just as Porto Rico and the Philippines did. In it we made certain definite pledges to the people of Cuba. Have we kept them? The Platt amendment to the Army bill approved March 2, 1901, is as follows:

#### I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

#### II.

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking-fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

#### III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

#### IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

#### V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

#### VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

#### VII.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

#### VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

This amendment, instead of leaving the government and control of the island to the people of Cuba, places a limitation upon their power to make treaties, upon their power to contract debts, provides that the United States may intervene to protect life and property on the island, and even enforces the right of the United States to jointly look after the sanitation of the island. We owe it to the people of Cuba to relieve them from the condition of a dependent nation in which they are placed by the Platt amendment, and the best way to do this is to invite them to become a State in the Union, which will bring to their people more benefits and advantages than being a small dependent Republic.

The question of annexation forces itself to the front and will claim from now on the attention of the people of both countries. This is in the very nature of things and grows out of our past and present relations with Cuba. Reciprocity with Cuba affords no adequate remedy for what threatens her interests. A 20 per cent reduction in her tariff and ours will do Cuba as a people or a Government little or no good, while it will work great harm to the interests of the United States. It is said that both General Wood and President Palma have stated that 20 per cent reduction will not help Cuba. They have never claimed that annexation would not be helpful to the people of Cuba.

Cuba has an area of 41,655 square miles; was discovered by the Spaniards in 1511, nearly four hundred years ago. Considering her situation, rich soil, fine climate, and natural resources, but little progress has been made in her material development. More progress has been made in the four years of American occupation of Cuba than in any fifty years of her previous history. Cuba, with her great advantages and resources, needs capital and confidence on the part of investors that capital and property will be protected. In nearly four centuries it is said only about two-fifths of the lands of Cuba has come under use and cultivation. Her vast forests of timber are substantially untouched, and her iron-ore deposits scarcely opened. Her fruit industry is neglected.



If Cuba were a State in the American Union all this would be changed; the investor would have confidence that capital would be protected; the unappropriated lands would come into use, and their value multiply; her forests would be taken, her iron mines would be opened, her commerce on sea and land would increase, her towns and cities would grow in population, and her people soon be as prosperous as any in the world. Americans would seek homes there and engage in business with the certainty of the largest measure of success.

There was long discussion and fierce opposition to the annexation of Texas—much more, I think, than there will be to the annexation of Cuba—but it came at last as surely as the annexation of Cuba will come. There is not a loyal and true American to be found within the confines of the Republic who would give up Texas, and within a few years after Cuba becomes a State in our Union not an American will be found willing to part with the island.

Under the circumstances, having been generous beyond measure to Cuba, having lifted her up and made her a nation among the nations of the earth, it seems right and proper that the United States, as provided in the resolution before the Senate, should open the way and make it easy for Cuba to ask for annexation.

Mr. President, I wish to detain the Senate a few minutes by drawing attention to some remarks made by the distinguished Senator from Connecticut [Mr. PLATT] on Friday last, in relation to our duty to Cuba, and the necessity of keeping her friendship and extending our trade with her people. It was in the debate between the Senator from Connecticut [Mr. PLATT] and the Senator from Colorado [Mr. TELLER].

I nearly always agree with the Senator from Connecticut and follow him; he commands the respect, confidence, and high regard of his associates; he forces conviction by his superb ability and sound judgment. It is an ungracious task to differ with him on any question. I find, however, on the Cuban question I can not agree with him. In his remarks he says there is no place in the world where we can so surely extend and increase our trade as Cuba, but the question is on what terms. Our trade must not be increased there at the expense of American interests; we must not pay too dear for trade with Cuba.

Cuba should prefer us to all other nations in the matter of friendship and trade relations. The Senator from Connecticut looks upon the acquisition of Cuba with alarm; he says we must either make her our warm friend, make her independent, or acquire her, which would be a peril to the country.

Mr. President, what more can we do for Cuba to make her our friend? Why this seeking after friendship with a country for which we have done everything? If her Government lasts a thousand years it can not discharge its obligations to us, and I can not understand this desire to make great and continued sacrifices in order to secure the friendship of Cuba. I do not know where it originates or its cause. We owe Cuba good will. But we are not called upon to prefer Cuba to our own country. We are charged with the guardianship of the interests of our own people and not those of the people of a foreign country. When many of our own people have been in dire distress we have not helped them by legislation. The only wrong we have done Cuba was passing the Teller amendment, which prevented her acquisition following the Spanish war, and the Platt amendment, which made her a dependent nation, which I have just read. We can make reparation for both by promptly admitting Cuba into the Union as a State if her people so desire.

The Senator from Connecticut in speaking of annexation further said:

I regard that, Mr. President, as the greatest peril which to-day besets our Government. I can think of no future danger to be so much apprehended as that. When we begin to annex to our country foreign territories with foreign inhabitants, inhabitants alien to our race, to our habits, to our customs, to our traditions, and to our institutions, with the near certainty that statehood is to follow, we shall have taken the first step, in my judgment, toward the demoralization, in this a disintegration, of our republican institutions.

Why this alarm when the annexation of Cuba is proposed? Why stop at Cuba, situated at our doors, and absorb the Philippines, 7,000 miles away, with Malays, Chinese, and mixed and uncivilized races, when the people of Cuba are a highly civilized people and, we have declared, capable of self-government?

Have we not already acquired the Philippines, Hawaii, Porto Rico, Guam, Danish West Indies—territory with foreign inhabitants and alien to our race, to our habits, and to our customs, much more so than Cuba and the people of Cuba? Did we not absorb California, New Mexico, and Arizona with foreign people, with Indians and Mexicans? Yet we have survived and made progress in our national life.

In all of our acquisition of islands reaching fifteen hundred miles east and nearly ten thousand miles west, we failed to acquire Cuba, the most desirable and most important one—the one

nearest to our doors and the one which would be of most benefit to us, and about the acquisition of which there has been a century of controversy. The trouble is the Senator's amendment makes annexation not only possible, but certain.

The Senator then adds: We have come to a crisis in our affairs; that our plain duty is to treat Cuba with reference to her commercial relations to the United States, so as to keep her our friend.

Have we not done enough to make Cuba our friend for all time? If she will not be our friend now, will she ever be? Cuba needs us more than we need Cuba. I can not understand this fear of not doing enough to keep Cuba's friendship. It reminds me of the wave of hysteria which swept over the country before and following the Spanish war. Somehow we can not speak or deal with Cuba with composure and without becoming extravagant.

Just before the Spanish war the well-balanced, conservative, judicious, and judicial-minded senior Senator from Ohio, in a speech made in the Senate April 13, 1898, gave away in his hot zeal to praising the Cuban Government and said that the island had a government organized in all departments and an efficient postal system, and exclaimed that her President and Vice-President would compare favorably with ours. I quote his words:

I say, without attempting to disparage anybody, the President and Vice-President of the Cuban Republic, for intellectual strength and power and vigor, for high character, for unquestioned ability, for statesmanship, will compare favorably with the President and Vice-President of the United States of America.

It is shown by that testimony that they have in the island of Cuba, instituted by that paper government, a postal system which is carrying the mails to-day throughout the island into every fortified city, as well as throughout the territorial parts of the island. They not only have a postal system, but they have a fiscal system—a fiscal system which has provided tax collectors for the Government throughout all that island. The Cubans do have a fixed capital.

I did not agree with the honorable Senator when he made this statement. I set it down then, as I do now, to his ardent desire to help the cause of Cuba.

Following the war our able Secretary of War, who never acts from impulse and always keeps his ardor and enthusiasm under the severest control, deliberately uses this extravagant language in his annual report to the President on the subject of Cuba:

For the peace of Cuba is necessary to the peace of the United States; the health of Cuba is necessary to the health of the United States; the independence of Cuba is necessary to the safety of the United States.

This is on a par with the statements made by the Senator from Ohio, and others who urged the United States to declare war, and are now being made about Cuba. We can not keep the peace of the United States if Cuba does not have peace. We can not have health in the United States unless Cuba has health. The independence of Cuba is necessary to the safety of the United States. Who believes this now? I hardly think the honorable Secretary does. The United States maintained peace twenty-five years while there was war in Cuba, and the United States has enjoyed safety for a century, though Cuba was not during all that time independent.

Speaking generally on the subject of trade relations with Cuba and increasing our trade in the island, and incidentally aiding Cuba, I do not believe for these purposes or any other we should reduce duties on all the products of one country, thereby discriminating against other countries who are better customers; we should not injure an American industry which Republicans stand pledged in their national platform to aid; we should not revise the tariff by piecemeal and out of time; we should not diminish our revenues six millions a year for five years to aid Cuba, leaving it doubtful whether Cuba and her people would ever get the benefit of this reduction, when we know and feel that in a short time Cuba must become a part of the United States and all these questions settle themselves without injury to the interests of our people.

The United States can better afford to give up all trade with Cuba and pay all the expenses of the Cuban Government than impair the protective principle and injure any American industry. The duties on 20 agricultural products from Cuba can not be reduced without impairing protection no more than reducing the duties on 20 agricultural products from Canada and then declare it will not work injury to the American farmer.

If, on the ground of aiding Cuba and at the same time finding a wider market there for American products, the Cuban Relations Committee should bring in a bill reducing the tariff on lumber, coal, wool, glass, and other products of West Virginia, the West Virginia delegation in Congress could not support it; and if it did I doubt whether any member of the delegation that did so would ever be returned to Congress.

There is no precedent for increasing or lowering duties by legislation on the products of any particular country. Tariff schedules are always framed as a whole and left to stand until another revision by Congress. The tariff should never for any reason be changed by legislation except as a whole. You can not take links

out of a chain and still maintain the strength of a chain, or claim you have a chain at all.

Reciprocity has always been effected through treaties, never by legislation. Weeks ago I suggested to the friends of Cuban reciprocity in the Senate the way to bring about reciprocity with Cuba was by treaty and not by act of Congress. I had in mind the Buffalo speech of our late martyred President, in which he used these significant words, "Reciprocity is in harmony with the spirit of the times." There are now pending in the Senate twelve or fourteen treaties providing reciprocity. Why should Cuba be made an exception to this rule?

The reciprocity with Cuba now asked by the Committee on Cuban Relations is not the reciprocity advocated by Blaine, Harrison, McKinley, or Roosevelt. Not one of these great statesmen ever advocated reducing the tariff by legislation on some articles to the injury of any American industry and calling it reciprocity. McKinley would never have done so, and nothing he ever said warrants any such belief. President Roosevelt has never advocated any such doctrine. In his annual message he used this language:

Reciprocity must be treated as the handmaiden of protection. Our first duty is to see that the protection granted by the tariff in every case where it is needed is maintained, and that reciprocity be sought for, so far as it can be safely done, without injury to any of our home industries.

Further on in his message he defines what reciprocity is, and his definition accords with that of McKinley, Blaine, and Harrison. I stand by the words of President Roosevelt. They are sound.

MR. PLATT of Connecticut. Mr. President, I do not rise for the purpose of discussing the joint resolution introduced by the Senator from West Virginia [Mr. ELKINS], or of replying in detail to his remarks. I would keep silent except that I fear the introduction of the joint resolution in the Senate of the United States, and the remarks which have been made by the Senator from West Virginia in its support will be misunderstood and possibly resented in Cuba. I fear the people of Cuba will not understand that the joint resolution and the remarks of the Senator from West Virginia represent only his personal opinion upon this subject, and therefore I want to say that I am satisfied that in the introduction of the joint resolution and in its advocacy the Senator from West Virginia does not represent any considerable portion of the people of the United States. I think the Cuban people would have a right, if they supposed that this were a real movement on the part of the United States looking toward the annexation of Cuba, to charge us with bad faith.

In the joint resolution which was passed on the 20th of April, 1898, demanding that Spain should at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters, the Congress of the United States solemnly passed this fourth paragraph of the resolution:

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

Mr. President, that pacification was accomplished and a constitutional government established in Cuba on the 20th of May last, and on the 14th of June, in less than one month after we had left the government and control of the island to its people, the joint resolution of the Senator from West Virginia is introduced into the Senate of the United States.

The Senator may say that it is only an invitation to the people of Cuba to ask to be annexed to the United States. I fear very much that they would regard it rather as the expression of an intention on the part of the United States to compel or coerce them into annexation with us. If that feeling should prevail in the island of Cuba it would be most unfortunate, and therefore I wish to state my own opinion that the joint resolution and the remarks which have been submitted in advocacy of it do not represent sentiment in the United States.

MR. HANNA. Mr. President, I do not purpose or care to prolong this discussion or to give breadth to the argument either for or against the joint resolution. I merely want to say, in respect to the precedents which the Senator from West Virginia cited in support of his joint resolution, that several times during the history of our country Presidents have recommended or thought it wise by purchase to acquire the island of Cuba. Whatever may have been the inducement or the argument at that time, it was not accomplished, which to my mind is evidence that the deliberate judgment of the people was to the effect that we did not want to purchase or care to purchase or adopt the policy of acquiring the island of Cuba.

Coming down to more recent events, the Senator cited President McKinley. We all are familiar with the visit of a commission from Cuba to the United States in the interest of the newborn Republic whose government was about to be established, and we know how President McKinley met that commission with

kindness and with an express desire for the establishment and growth of a liberal republican government there. He might have expressed the thought quoted by the Senator that if Cuba was a member of our sisterhood of States the question would be different, but it so happened that Cuba was not a member of that sisterhood. But what he did say—and it came from an earnest desire to help to benefit that country—was that he would do everything within the limit of his power and influence to place Cuba in a position as regards her relationship with the United States which would give an impetus to her prosperity, and to that end that that influence should be exerted to establish a trade relationship which would be to her advantage.

I do not consider that this subject has been decided. I do not think our obligations toward that people have been ended. Whether or not we owe Cuba anything from the standpoint of mercenary motives, there is one thing we owe to ourselves, and that is that we place the consideration of this subject upon a high plane to justify the action which led us to take the initiative, resulting in war with Spain for the liberation of those people.

I want to see the country and the Congress stand firmly upon that higher plane, which has placed a moral obligation upon the United States in our relations with that Republic. I want to see everything whatever is done in this country done along the line of our professions when we found an excuse to bring on a war with Spain. We had the opportunity to negotiate for the purchase of the island. Different schemes were presented to avoid a war. That is true. But the public sentiment of this country would have none of it. A money consideration would not satisfy them. They took that higher plane and made the demand for the freedom of Cuba and the establishment of a republic there. That was the chief aim of the people of the United States. Whether the Teller amendment was good or bad, it became the law, and at that time manifested what was the mind of the people on that subject.

With respect to our obligations to Cuba, I may say that we will have an opportunity in the very near future to know whether the policy which was the policy of President McKinley and is the policy of President Roosevelt to-day, based upon that high plane of moral obligation, is the policy which will receive the support of the American people. My judgment is that we will hear from the people upon this question, and we will be notified by an overwhelming expression of sentiment from the country that when we abandon that plane of consideration in regard to her we will have abandoned the professions which led us into that war.

It is the policy of the Administration to-day, as it would have been the policy of President McKinley, had he lived, to treat that country as our ward, whether we owe Cuba anything or not; to assume, manfully and bravely, the responsibilities which we hold toward her future, and not seek to find an excuse to evade them.

If we have not regard of our obligation to her, we certainly ought to be sensible of our obligations to the civilized world. Pride in the success of our arms and the accomplishment of our purpose in overcoming Spain in the Western Hemisphere should cause us to respect our obligations to the balance of the world by a consistent continuation of the policy which started us on this enterprise.

Mr. President, to talk about the annexation of Cuba at this time I think is not fair toward Cuba, just starting out in her new life, with scarcely a full appreciation of what the undertaking is to her, with a desire on her part to contradict the idea that her people are not competent to govern themselves. What kind of a proposition is it for the United States, even before she has had the time to prove what she can do, to announce a programme for annexation?

I say, whether it will have a good or bad effect upon her commercial and industrial interests or not, it certainly will have the effect to discourage those whose patriotism and energy brought her to the position which claimed from us that effort and protection which led to her final emancipation.

No, Mr. President, it is a duty too sacred to be measured by obligation from a monetary standpoint or a commercial standpoint. It is a moral obligation which we have assumed, and without regard to party or section it is the pride of our people to stand by the obligations of our country with the spirit and the sentiment which impelled us to place ourselves in the present relationship with Cuba.

I know nothing personally about the feeling in Cuba with reference to annexation. I have no doubt there is an element there that would favor it, as there is an element in this country that would favor it. But I do protest against the consideration of the question at a time like this.

The PRESIDENT pro tempore. What does the Senator from West Virginia desire to have done with the joint resolution?

MR. ELKINS. I wish to have it referred to some appropriate committee—the Committee on Relations with Cuba or the Committee on Foreign Relations.



Mr. SPOONER. What is the harm of letting it lie on the table during the vacation? We may not have any subjects next winter for debate or speeches, and I should like to make a speech on it at some time.

Mr. ELKINS. I will tell the Senator that I will keep this subject warm, if that is disturbing him. I hope to have it up next session. I ask that the joint resolution be referred to the Committee on Relations with Cuba. I know that is sending it where I fear it will not have a warm welcome.

Mr. BAILEY. I suggest to the Senator from West Virginia that the morning papers contain an account of a meeting held down there yesterday that it might be right well to insert as a part of his remarks if Cuba is to become another State in the Union.

Mr. SPOONER. What is the account?

Mr. BAILEY. It is an account of a meeting held there, and it discloses some racial difference, such as exist in every country where the two races reach anything like equal numbers. It indicates to my mind a sore place in Cuba. I hope the Senator from West Virginia, however, with his customary impartiality, will preserve everything that bears upon the subject.

Mr. ELKINS. I think it is proper for me to have the joint resolution referred if for no other reason than to please the Senator from Wisconsin, so that we may keep it before the Senate. I intend to make some further remarks on the subject. Am I taking the time of the Senator from Texas?

Mr. BAILEY. Not at all. I rose to make a motion in regard to another matter.

Mr. ELKINS. I noticed what the Senator referred to in the paper, and with the deepest sort of regret. I think the Senator who is willing to admit Cuba as an American State represents the true interests of Cuba more than the Senator who wants to render her aid as a republic at the expense of American industries. Replying to the junior Senator from Ohio, I can not find, nor can he find, any obligations in the world that we ever owed to Cuba which we have not discharged a thousandfold. We expelled Spain, established her independence, withdrew our army, and paid every dollar of our and her indebtedness, and her independence did not cost her \$5. Now, there seems some sort of hysteria about obligations to Cuba has permeated the country and swept over it like a cyclone, for which there was no just reason. Cuba is under lasting obligations to the United States. We have discharged ours to her.

Mr. BAILEY. Did the Senator say that nothing remained of debt?

Mr. ELKINS. I am not replying to the Senator. I thought he was through. I wanted to say a word in reply to the Senator from Ohio.

Mr. BAILEY. I took the floor merely to make a motion to reconsider another subject.

Mr. ELKINS. I beg pardon.

Mr. BAILEY. But while I am on the floor I will say to the Senator from West Virginia that we are indebted to Cuba at least to the extent of the money General Wood spent to conduct a sugar propaganda in this country which has resulted in absolutely no good. I think in all good conscience we ought to return that money to the Cuban treasury. If they had secured the passage of the reciprocity bill, then they might have received some value for that expenditure, but in view of the fact that Congress is about to adjourn and leave that question suspended in the middle air, I am not willing to hear it stated that we owe Cuba nothing. We at least owe her the money which was spent out of her treasury by an officer of this Government to conduct a propaganda to affect this Congress. But that is by the way, Mr. President. All that, of course, will be considered in due time.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on Relations with Cuba.

Mr. ELKINS. May I say a word?

The PRESIDENT pro tempore. The Senator from Texas has the floor.

Mr. BAILEY. Of course I yield to hear the suggestion of the Senator from West Virginia.

Mr. ELKINS. I wish to say that I do not sympathize with the Senator's position about the expenditure of that money or regard it as any reflection upon General Wood whatever. I think he did it in the discharge of what he thought to be his duty and in the interest of the Cuban people, and I am glad to make this statement here at this time. I know General Wood to be a gallant and brave officer of the Army, incapable of doing a wrong.

Mr. BACON. The Senator says he thinks General Wood did it in what he thought to be the discharge of his duty. What does the Senator think as to whether General Wood was acting in the discharge of his duty?

Mr. ELKINS. I think he did the best he knew how under the trying circumstances that surrounded him.

Mr. BACON. That is not the question I asked the Senator. I

wanted to know if the Senator would give us what is his opinion of General Wood's good faith.

Mr. ELKINS. I said I did not share—

Mr. BACON. That is all right. I wanted to know the Senator's opinion as to the duty of General Wood in the premises; as to what it was his duty to do, in the opinion of the Senator from West Virginia.

Mr. ELKINS. Situated as he was, I believe he did the best he could, and if I had been situated as he I might have felt that I was authorized to spend that money. I insist that doing so does not reflect upon him.

Mr. BAILEY. I am not going to take issue with the Senator from West Virginia as to his expression as to what he would have done himself. I do not believe the Senator from West Virginia would use the money of a people—

Mr. ELKINS. I do not say I would.

Mr. BAILEY. He would not use the money of the people over whom he was acting with authority to conduct a propaganda to influence the lawmaking power of the government whose officer he was. It is impossible to find words strong enough to condemn the conduct of a man who takes the money of his own government even to use it in influencing the leaders of thought with the object of influencing through them the action of Congress. There is no Senator in this Chamber who believes that that is a proper expenditure of any public money of our own or the public money of Cuba. But, Mr. President, I rose—

Mr. SPOONER. I wish to suggest to the Senator that if he wishes to transact some business he had better let this subject go as quickly as possible, because there is danger that it will lead to debate.

Mr. BAILEY. I think so. I know there is dynamite in it, of course.

Mr. SPOONER. There will be debate about it.

Mr. BAILEY. I have no desire now to debate it, but I shall be very glad to participate in the debate at the proper time. I rose, Mr. President, to move to reconsider the vote by which a conference report was adopted.

Mr. BACON. This question is disposed of?

Mr. BAILEY. It has been referred, I understand.

Mr. PLATT of Connecticut. Has it been referred?

The PRESIDENT pro tempore. The joint resolution has been referred to the Committee on Relations with Cuba.

#### AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

Mr. BAILEY. On Friday there was a conference report on House bill 13172 adopted, and adopted in my absence. It is fair to say, and it is a little embarrassing, too, that this is the second motion to reconsider this report that I have felt compelled to enter. I was away on Friday and Saturday under treatment for my throat, and I had gone with the understanding that an agreement had been reached about the matter that would be satisfactory.

Mr. STEWART. With regard to the matter which was discussed here, the committee attempted to make it correspond with the then understanding, but the Senator from Texas was not where we could consult him. Besides, there are two other little matters to which the Attorney-General called my attention in that bill. They are small matters, and, if I can get unanimous consent, I will introduce a joint resolution, and I think that will answer the purposes of the Senator, so that he will withdraw his motion to reconsider.

Mr. BAILEY. That on this particular point is satisfactory, and I withdraw the motion to reconsider, if we can have unanimous consent for the consideration of the joint resolution.

Mr. PLATT of Connecticut. I have been unable to hear this colloquy. I do not know exactly what the motion is.

Mr. STEWART. I ask unanimous consent to have a joint resolution passed to correct some small matters in the Choctaw and Chickasaw treaty. Let it be read, and then we can judge of it.

The joint resolution (S. R. 129) amending the act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, passed at the present session of Congress, was read the first time by its title and the second time at length, as follows:

*Resolved, etc.* That the act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, passed at the present session of Congress, is hereby amended as follows:

The clause "after this agreement becomes effective," in section 31 of said act, shall read "after the passage of this act by Congress."

That the clause "this agreement is finally ratified," in section 32 of said act, shall read "after the passage of this act by Congress."

That the proviso to section 54 of this act shall read as follows:

"Provided, That occupants or purchasers of lots in town sites in said Choctaw and Chickasaw nations upon which no improvements shall have been made within six months after the passage of this act by Congress shall pay the full appraised value of said lots instead of the percentage named in the Atoka agreement."

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. BAILEY. It is the latter part that I am interested in. I suggest to the Senator from Nevada that the word "owners" be substituted for the word "purchasers" there, because "purchasers" would result in some confusion.

Mr. STEWART. I have no objection. Let it be so amended. The PRESIDING OFFICER (Mr. KEAN in the chair). Without objection the joint resolution will be modified by striking out the word "purchasers" and inserting "owners."

Mr. BAILEY. That is the part I am interested in, and with that I am entirely satisfied.

Mr. STEWART. The other is to meet a criticism made by the Assistant Attorney-General, and I think it is very proper.

Mr. BAILEY. It was offered at his suggestion?

Mr. STEWART. Yes, sir.

Mr. BAILEY. Very well.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN WILLIAMSON.

Mr. JONES of Arkansas. I ask unanimous consent of the Senate to take up the bill (H. R. 14234) granting a pension to John Williamson.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

It proposes to place on the pension roll the name of John Williamson, late of Company G, Seventh Regiment United States Infantry, war with Mexico, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REAR-ADMIRAL WINFIELD SCOTT SCHLEY.

Mr. McCOMAS. I ask for the present consideration of the bill (S. 2035) to pay to Rear-Admiral Winfield Scott Schley, on the retired list, the pay and allowance of rear-admiral on the active list.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Naval Affairs reported an amendment to strike out the preamble, which was agreed to.

SUSAN A. PHELPS.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 10321) granting an increase of pension to Susan A. Phelps.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Susan A. Phelps, widow of Ithamar D. Phelps, late captain Company K, Seventy-third Regiment Indiana Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELECTRIC CONDUITS IN THE DISTRICT OF COLUMBIA.

Mr. PRITCHARD. I ask for the present consideration of the joint resolution (S. R. 81) to enlarge the use of electric conduits in the District of Columbia.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SPOONER. Is that a report from the Committee on the District of Columbia?

Mr. PRITCHARD. It is.

The PRESIDING OFFICER. The Chair understands that the joint resolution is reported from the Committee on the District of Columbia.

Mr. COCKRELL. Let the report be read; it is very short.

The PRESIDING OFFICER. The report will be read.

Mr. COCKRELL. The report, I think, explains the whole thing.

The Secretary read the report submitted by Mr. McMILLAN on the 13th instant, as follows:

The Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 81) to enlarge the use of electric conduits in the District of Columbia, report it back to the Senate without amendment and recommend its passage.

The resolution proposes that the conduits now being used for street railway purposes may also be used to carry the wires of the electric lighting companies on such terms as may be agreed among the companies interested. The result of the legislation will be to save many of the streets in the District of Columbia from being torn up, and the tendency will be to reduce the cost of electric lighting. There is no reason why the conduits should not be used, but, on the contrary, there is every reason why existing facilities should be utilized to the utmost capacity.

The resolution was referred to the Commissioners of the District of Columbia, who suggest certain amendments, some of which seem to the committee mere verbiage, while the limitations proposed by the Commissioners seem to be unnecessary.

The Commissioners' report is as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,  
Washington, May 8, 1902.

DEAR SIR: The Commissioners have the honor to recommend that Senate resolution No. 81, "To enlarge the use of electric conduits in the District of Columbia," which was referred to them at your instance for their examination and report, be enacted if amended as follows:

Line 4, after the word "authorized," insert the words "in their discretion."  
Line 8, after the word "current," insert the words "for lighting purposes only."

Line 11, add the following at the end of the line:

"Provided, That it shall be unlawful for any person, company, or corporation to furnish electric current from any dynamo or generator supplying the power of any railway system, or from any electric railway system, to any building or premises in the District of Columbia for power, lighting, or other purposes, except in the power houses, car barns, or premises owned and operated by electric railway companies. For any violation of this provision the offending person, company, or corporation shall be fined \$25 a day for each day said violation shall continue, said fine to be recovered in the police court of the District of Columbia in the name of said District."

A copy of the bill modified as herein suggested is herewith returned.

Very respectfully,

HENRY B. F. MACFARLAND,

President Board of Commissioners District of Columbia.

Hon. JAMES McMILLAN,

Chairman Committee on District of Columbia, United States Senate.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF VIRUSES, ETC., IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask for the present consideration of the bill (S. 6196) to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. GALLINGER. In section 4, on page 3, line 12, I move to insert, after the word "Navy," the word "and," and in line 13, after the word "service," to strike out the words "the Chief of the Bureau of Animal Industry of the Department of Agriculture, and the health officer of the District of Columbia be;" so as to read:

That the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Supervising Surgeon-General of the Marine-Hospital Service be, and they are hereby, constituted a board with authority, subject to the approval of the Secretary of the Treasury, to promulgate from time to time such rules as may be necessary in the judgment of said board to govern the issue, suspension, and revocation of licenses for the maintenance of establishments for the propagation and preparation of viruses, serums, toxins, antitoxins, and analogous products, applicable to the prevention and cure of diseases of man, intended for sale in the District of Columbia, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its chief clerk, announced that the House had passed resolutions commemorative of the life and services of Hon. Amos J. Cummings, late a Representative from the State of New York.

The message also announced that the House had passed resolutions commemorative of the life and services of Hon. Peter J. Otey, late a Representative from the State of Virginia.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 2487) granting an increase of pension to William S. Hosack;

A bill (H. R. 8644) granting a pension to John W. Thomas;

A bill (H. R. 9501) to provide for the sale of the unsold portion of the Umatilla Indian Reservation;

A bill (H. R. 10775) for the relief of Charles E. Sapp;

A bill (H. R. 10824) granting an increase of pension to George E. Bump;

A bill (H. R. 11273) to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, \$430.42, for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.;

A bill (H. R. 12026) granting an increase of pension to Baley W. Small;

A bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes; and

A bill (H. R. 15003) to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and



the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at a point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township.

HENRY O. BASSETT.

Mr. TALIAFERRO. I ask unanimous consent for the consideration of the bill (S. 5950) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. Let the report be read. It is very short.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. TALIAFERRO on the 16th instant, as follows:

The Committee on Claims, to whom was referred the bill (S. 5950) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, beg leave to report as follows:

This is a claim for a balance of \$142.59 for services from Henry Opeman Bassett, as mail contractor during the early part of 1861. The facts and circumstances are set up in a letter to Senator S. R. MALLORY from the Auditor of the Treasury for the Post-Office Department under date of June 5, 1901, the body of the letter being as follows:

"In reply to your letter of May 16, 1901, addressed to the Postmaster-General and by him referred to this office relative to the claim of the heirs of Henry Opeman Bassett, ante bellum mail contractor in Florida, I have the honor to inform you that the records of this office show that Mr. Bassett was contractor on route 6564, Mariana to Bainbridge, from July 1, 1859, at \$1,300 per annum; that he was paid in full to December 31, 1860, and that a balance of \$142.59 stands to his credit for service for the quarter ending March 31, 1861, the date to which service has been certified. Many of his class of claims were paid by the Confederate States government, but the Confederate records (mutilated) now in the custody of this office do not show, so far as they go, that any payment was made to Mr. Bassett for service under his contract with the United States.

"The only way in which this class of claims can be paid is by special appropriation by Congress for that purpose in each case."

Your committee recommend the passage of the bill.

Mr. SPOONER. I inquire of the Senator from Florida if this is simply a provision for the payment of a sum which has been found to be due?

Mr. TALIAFERRO. That is all.

Mr. SPOONER. This is not a new departure, I will ask the Senator from Missouri?

Mr. COCKRELL. Not at all.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

F. C. BOUCHER.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 2991) for the relief of F. C. Boucher.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, in line 5, after the words "sum of," to strike out "\$1,000" and insert "\$550.49;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, directed to pay to F. C. Boucher, of Rosebud Agency, S. Dak., the sum of \$550.49 for services rendered and supplies furnished during the year 1877 at the request and under the direction of Gen. George Crook, in conducting an expedition from Fort Sheridan for the purpose of returning to their reservations certain hostile Indians under the lead of the Indian chief Crazy Horse and others.

Mr. COCKRELL. Is there a report in that case?

Mr. SPOONER. I want to ask the Senator from South Dakota whether this is the first appearance of this bill in Congress?

Mr. GAMBLE. This is the first appearance of this bill in Congress, although the claim has been pending before the Departments all of these years.

Mr. SPOONER. And rejected?

Mr. GAMBLE. No, sir; it was first submitted to the Commissioner of Indian Affairs, and part of it was allowed.

Mr. SPOONER. And paid?

Mr. GAMBLE. No. Then there was a question raised as to whether it was a claim that pertained to the Indian Office or to the War Department, and it was withdrawn from the Indian Office and referred to the War Department. It was not paid there because it was claimed that there was no fund from which to pay it. There is no question but what the claimant rendered the services and expended the amount herein named in going out and bringing in hostile Indians under the direction of General Crook.

Mr. SPOONER. Is there any evidence or proof sustaining the claim?

Mr. GAMBLE. There is a full report made by the Committee on Indian Affairs.

Mr. SPOONER. And also giving the items of expenditure?

Mr. GAMBLE. Yes, sir; and the claim is certified to by a large number of people who have knowledge of it. As I have said, one-half of the amount and over was allowed by the Commissioner of Indian Affairs.

Mr. SPOONER. And the other half would have been allowed but for the question of jurisdiction?

Mr. GAMBLE. Yes; but for the question of jurisdiction.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. COCKRELL. I inquired if there was a report in this case. I call for the reading of the report. It is not a very long one, is it?

Mr. GAMBLE. Yes; it is quite a long report.

Mr. COCKRELL. Is there a report from the Commissioner of Indian Affairs? I have not the report with my files here.

The PRESIDING OFFICER. The Chair is informed there is a report.

Mr. GAMBLE. Yes; there is a full report.

Mr. COCKRELL. Let the letter of the Commissioner of Indian Affairs contained in the report be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, February 25, 1902.

SIR: I have the honor to acknowledge the receipt, by Department reference for report, of a communication dated January 23, 1902, from Hon. W. M. Stewart, chairman of the Senate Committee on Indian Affairs, inclosing a copy of a bill (S. 2991) directing the Secretary of the Treasury to pay to F. C. Boucher, of Rosebud Agency, S. Dak., the sum of \$1,000 "for services rendered and supplies furnished during the year 1877, at the request and under the direction of Gen. George Crook, in conducting an expedition from Fort Sheridan for the purpose of returning to their reservations certain hostile Indians under the lead of the Indian Chief Crazy Horse and others."

Accompanying Senator Stewart's communication are the affidavits of the claimant and Dr. V. T. McGillicuddy, Stephen F. Estes, C. P. Jordan, and W. C. Courtes, in support of the claim; certain communications from J. S. Lothrop, esq., attorney at law, Sioux City, Iowa, and the original of a letter dated January 18, 1899, addressed by this office to Hon. D. B. Henderson, House of Representatives.

It appears from said office letter to Mr. HENDERSON that on April 12, 1879, "a claim of F. C. Boucher for services (\$250) and supplies (\$279.66) furnished for the expedition (as stated by Mr. Lothrop)" was forwarded by this office to the accounting officers of the Treasury, with the recommendation that the sum of \$279.66 be allowed and that this claim of \$250 for services as interpreter from February 10 to April 15, 1877, be suspended.

Subsequently, under the belief that this was not a legitimate claim against the Indian Department, but should have been presented to the War Department for adjudication, this office, on June 26, 1879, requested the Second Comptroller of the Treasury to cancel the settlement and return the claim to this office.

On July 19, 1879, replying to the Comptroller's letter of June 28, 1879, this office stated that it had no reason to regard the claim as either improper or fraudulent, such as to invalidate it as a charge against the United States, but that as the expedition was purely a military one, with which the office had nothing to do, it should not be charged with the duty of passing upon the claim.

Some of the papers transmitted with Senator STEWART's communication bear the stamp and file mark of the Adjutant-General's Office, War Department. From that it is supposed that the War Department may have acted on the claim.

The communication from Senator STEWART and its inclosures are herewith returned with a copy of this report.

Very respectfully, your obedient servant,

W. A. JONES, Commissioner.

The SECRETARY OF THE INTERIOR.

The bill was reported to the Senate as amended.

Mr. SPOONER. Mr. President, I see this statement in the letter of the Acting Secretary of War addressed to the Senator from Iowa [Mr. ALLISON]:

This man Boucher is not entitled to pay as interpreter, nor is he entitled to pay for the use of the animals and the articles he claims to have furnished. The animals and the articles referred to were not furnished by my orders, as claimed.

Boucher volunteered his services as interpreter, and was allowed to accompany Spotted Tail—

Mr. COCKRELL. I must insist, in view of what the Senator from Wisconsin has read, that the entire report be read.

Mr. SPOONER. I do not want to be left in mid-air, Mr. President, in the RECORD. I want to finish the sentence.

Mr. COCKRELL. Certainly.

Mr. SPOONER. The letter of the Acting Secretary of War continues:

with the express understanding that he was not to receive pay for his services.

I recommend that neither of these claims be paid.

This is the report of Capt. George M. Randall, of the Twenty-third Infantry, to the War Department.

Mr. GAMBLE. If the report of the committee is to be read, I will call the attention of the Senator to the early part of it. I think it is abundantly sustained by the evidence that this man did actually render these services and at great peril of his life.

He went out with a body of men, at the instance of the agent himself, with his teams, his property, and his subsistence, and the bill simply provides payment for his time and the amount of money he had expended. If the early part of the report can be read, I think it will fully explain the matter. I believe the claim is a meritorious one. The distinguished Senator from Iowa [Mr. ALLISON] had it before the Department and I think also the Speaker of the House of Representatives.

Mr. SPOONER. The thing that surprises me a little about this claim is that it is stated here that these supplies were furnished and the services rendered at the request of Gen. George Crook, and there is no evidence from General Crook to sustain the claim and to verify the truth of these statements. Ordinarily when an officer like General Crook, who is a very careful man, requests services of this kind and a man parts with his property for the benefit of the Government, he is furnished with some evidence upon which he may show that he is entitled to remuneration. I do not want to do any injustice to this claimant.

Mr. GAMBLE. I believe the claim is entirely just and reasonable. I call the attention of the Senator to page 2 of the report, where it is stated:

J. W. Lee, who was major of infantry and acting Indian agent for the Spotted Tail Brulé Sioux for 1877 and 1878, speaking of this claim, states as follows:

"Mr. Boucher rendered the services as stated. I was agent of the Spotted Tail Indians at the time, and I have repeatedly recommended that he be paid for his services and supplies furnished. He went out on the perilous journey at the request and by the order of General Crook and did much to induce the Indians to come in and surrender. I regret that he has never been compensated, and hope justice, so long delayed, may yet be done."

As I understand, Major Lee was succeeded by Dr. McGillicuddy, one of the most efficient and honorable Indian agents who ever occupied the position. He examined the claim, and there is an affidavit from him justifying the claim.

Mr. SPOONER. His affidavit must have been based on hearsay.

Mr. GAMBLE. Whether Dr. McGillicuddy was there at the time or not I do not know; but I know from the record as produced—the record is very voluminous—that the services were actually rendered. There was practically a condition of war prevailing there; the hostile Indians were out, and this man, who was most competent and efficient, went out at the peril of his life on an expedition, succeeded in restoring the Indians who were hostile and committing depredations to the agency, where they were put under military control, and quiet was restored and the loss of life prevented.

Mr. SPOONER. This report shows that the claim was presented by Attorneys Britton & Gray, of this city. It was thoroughly investigated, for and against, and the Department, through the Acting Secretary of War, reported against the claim.

Mr. GAMBLE. As I said in my opening remarks, I dislike very much to occupy the attention of the Senate so much on a matter of this kind, but I will state, however, that the claim was forwarded to the Commissioner of Indian Affairs, and that it was approved by him.

Mr. SPOONER. Part of it.

Mr. GAMBLE. Part of it. Then it was thought that the War Department should have control of it; when it was withdrawn from the Indian Office and referred to the War Department.

Mr. SPOONER. Certainly; and reported against.

Mr. GAMBLE. The evidence of Captain Randall is the only evidence that appears in the record to the effect that Mr. Boucher went out and rendered the service voluntarily. The affidavits in the report, it seems to me, sustain clearly the fact that Mr. Boucher went out, or supposed he went out, under the direction of General Crook, and rendered these services. There is no denial but what the services were rendered, that they were necessary, that they were efficient, that the claim is entirely just, and that there is nothing whatever fictitious in regard to it.

The bill was referred in the Committee on Indian Affairs to a subcommittee, who carefully examined it and then reported it to the full committee.

Mr. SPOONER. But all the committee could do was to examine these affidavits.

Mr. GAMBLE. And the full record of all the papers connected with the claim. I believe the claim is entirely just, otherwise I certainly would not ask to have it allowed.

Mr. COCKRELL. Let the report be read, Mr. President.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. GAMBLE on the 7th instant, as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 2901) for the relief of F. C. Boucher, have had the same under consideration and report as follows and recommend that the same do pass with the following amendment.

In line 5, on page 1, strike out the words "one thousand dollars" and insert in lieu thereof "\$550.49."

The purpose of this bill is to reimburse the claimant for services rendered in the year 1877, and for disbursements, food, and forage furnished in an expedition conducted by him, as claimant claims, at the request of Gen. George Crook, in charge of an expedition sent out from Fort Sheridan for the purpose of inducing the return to their reservation of a number of hostile Indians then engaged in marauding, stealing, and committing depredations on stock in the vicinity of the Black Hills in the then Territory of Dakota, and to bring to the reservation the Indians who were thus engaged in hostilities with the United States under the lead of an Indian chief, Crazy Horse, who was at that time near the Canadian border.

There is no dispute that the services were rendered and the disbursements made by the claimant, and the expedition conducted by him resulted in very great service to the Government in quieting the disturbances and leading to peace and friendly relations between the Government and the Indians.

The claim was submitted to the Interior Department for allowance and payment, and the item for supplies, food, and forage furnished to the expedition referred to, amounting to \$279.66, was approved by the Department and payment ordered. His claim for services of two months and five days rendered the Government of \$270.83 was suspended for the reason that no sufficient evidence had been submitted justifying its allowance, although the same was not rejected by the Department.

The Interior Department finally held that the subject of the claim did not come within their jurisdiction, and, as it appeared to have been conducted under military orders, it should be referred to the War Department for consideration. The War Department rejected it, and further held that there was no fund, even in case of allowance, from which it could be paid.

From the evidence submitted in support of the claim it appears to the committee that the services which the claimant rendered were most valuable to the Government; that he acted in good faith; that he gave his time, at great peril to himself, his property, and his companions, and that a reasonable compensation should be allowed him for this. It also appears to the committee that the absolute disbursements which he incurred and paid ought, in fairness and equity, to be allowed him.

The amount recommended for payment by your committee is the amount of these two items, \$550.49. The committee hardly believes under the facts submitted that the additional compensation asked by the claimant should be allowed.

J. W. Lee, who was major of infantry and acting Indian agent for the Spotted Tail Brulé Sioux for 1877 and 1878, speaking of this claim, states as follows:

"Mr. Boucher rendered the services as stated. I was agent of the Spotted Tail Indians at the time, and I have repeatedly recommended that he be paid for his services and supplies furnished. He went out on the perilous journey at the request and by the order of General Crook and did much to induce the Indians to come in and surrender. I regret that he has never been compensated, and hope justice, so long delayed, may yet be done."

The foregoing was written from Manila, P. I., October 13, 1899.

The War Department, through Capt. George M. Randall, of the Twenty-third Infantry, in his report made upon this claim, denies that the expedition conducted by Boucher was under his orders, and that his services were voluntary, and upon his recommendation it appears the claim was rejected. Notwithstanding the position taken by the War Department, it seems clear from the evidence submitted that the services were rendered, that they were valuable to the Government, that the expenses were borne by the claimant, that the compensation asked for services is not unreasonable, and ought to be allowed and paid. The claimant is sustained in his claim by many persons who knew him at the time and had knowledge concerning the transaction and of his character and standing.

The committee submits as a part of its report the communications from the Interior Department, as well as from the War Department; also affidavits in support of the claim.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS.  
Washington, February 25, 1902.

SIR: I have the honor to acknowledge the receipt, by Department reference for report, of a communication dated January 23, 1902, from Hon. W. M. STEWART, chairman of the Senate Committee on Indian Affairs, inclosing a copy of a bill (S. 2901) directing the Secretary of the Treasury to pay to F. C. Boucher, of Rosebud Agency, S. Dak., the sum of \$1,000, "for services rendered and supplies furnished during the year 1877, at the request and under the direction of Gen. George Crook, in conducting an expedition from Fort Sheridan for the purpose of returning to their reservations certain hostile Indians under the lead of the Indian chief Crazy Horse and others."

Accompanying Senator STEWART's communication are the affidavits of the claimant and Dr. V. T. McGillicuddy, Stephen F. Estes, C. P. Jordan, and W. C. Courtes, in support of the claim; certain communications from J. S. Lothrop, esq., attorney at law, Sioux City, Iowa, and the original of a letter dated January 18, 1899, addressed by this office to Hon. D. B. HENDERSON, House of Representatives.

It appears from said office letter to Mr. HENDERSON that on April 12, 1879, "a claim of F. C. Boucher for services (\$250) and supplies (\$279.66) furnished for the expedition (as stated by Mr. Lothrop)" was forwarded by this office to the accounting officers of the Treasury, with the recommendation that the sum of \$279.66 be allowed and that this claim of \$250 for services as interpreter from February 10 to April 15, 1877, be suspended.

Subsequently, under the belief that this was not a legitimate claim against the Indian Department, but should have been presented to the War Department for adjudication, this office, on June 25, 1879, requested the Second Comptroller of the Treasury to cancel the settlement and return the claim to this office.

On July 19, 1879, replying to the Comptroller's letter of June 28, 1879, this office stated that it had no reason to regard the claim as either improper or fraudulent, such as to invalidate it as a charge against the United States, but that as the expedition was purely a military one, with which the office had nothing to do, it should not be charged with the duty of passing upon the claim.

Some of the papers transmitted with Senator STEWART's communication bear the stamp and file mark of the Adjutant-General's Office, War Department. From that it is supposed that the War Department may have acted on the claim.

The communication from Senator STEWART and its inclosures are herewith returned with a copy of this report.

Very respectfully, your obedient servant,

W. A. JONES, Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR.  
Washington, February 27, 1902.

SIR: I have the honor to acknowledge the receipt, by your reference of the 23d ultimo, of Senate bill 2901, "A bill for the relief of F. C. Boucher," and accompanying papers.



This bill directs the Secretary of the Treasury to pay to F. C. Boucher, of the Rosebud Agency, S. Dak., \$1,000 for services rendered and supplies furnished during 1877, at the request and under the direction of Gen. George Crook, in conducting an expedition from Fort Sheridan for the purpose of returning to their reservations certain hostile Indians under the lead of the Indian chief Crazy Horse and others.

In response I herewith transmit a copy of a report of the 25th instant from the Commissioner of Indian Affairs, in which it is held that the claim is purely a military one, and that his office should not be charged with the duty of passing upon it.

The papers accompanying the bill are herewith returned.

Very respectfully,

E. A. HITCHCOCK, Secretary.

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,  
United States Senate.

[Senate bill No. 2991.]

UNITED STATES SENATE,

Washington, March 2, 1902.

Respectfully referred to the honorable Secretary of War, with a request for a report thereon for the information of the Committee on Indian Affairs.

Respectfully,

WM. M. STEWART,

Chairman, United States Senate.

[Second indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,

Washington, March 8, 1902.

Respectfully returned to the Secretary of War, with the previous papers in this case, inviting attention to the first indorsement thereon, and to press copy of War Department letter to Hon. WILLIAM B. ALLISON, United States Senate, of May 2, 1900 (with additional B), from which it appears that this claim has been heretofore rejected by the Department; that no new facts have developed warranting a reversal of this decision of the Department, and that even were the claim regarded as valid, no appropriation exists under direction of the Department from which payment could be made, and further, that Mr. Lathrop, the attorney, has been informed to the above effect in response to direct presentation of the case.

THOMAS WARD,

Acting Adjutant-General.

[Third indorsement.]

WAR DEPARTMENT, March 12, 1902.

Respectfully returned to the chairman Committee on Indian Affairs, United States Senate, inviting attention to the foregoing report of the Acting Adjutant-General of the Army, and accompanying copy of War Department letter therein referred to.

The papers which accompanied this letter are returned herewith.

WM. CARY SANGER,

Assistant Secretary of War.

WAR DEPARTMENT, Washington, May 2, 1900.

SIR: I have the honor to acknowledge receipt of your letter of 14th ultimo, inclosing communication from J. S. Lathrop, esq., of Sioux City, Iowa, relative to the claim of F. C. Boucher, amounting to \$2,050.49, for services rendered and supplies furnished the Government in 1877 in connection with Indian troubles in the Black Hills, in Dakota Territory.

In reply, I beg to advise you that on December 12, 1879, Mr. Boucher presented to the Department a claim, similar in character, in the sum of \$529.06, through his attorneys, Messrs. Britton & Gray, of this city, who filed with said claim a duly executed power of attorney. The matter was carefully investigated by the military authorities, and on April 8, 1880, the attorneys of record were advised that Capt. George M. Randall, Twenty-third Infantry, reported to the Department as follows:

"This man Boucher is not entitled to pay as interpreter, nor is he entitled to pay for the use of the animals and the articles he claims to have furnished.

"The animals and the articles referred to were not furnished by my orders as claimed.

"Boucher volunteered his services as interpreter, and was allowed to accompany Spotted Tail with the express understanding that he was not to receive pay for his services.

"I recommend that neither of these claims be paid."

In conclusion the attorneys were advised that the Secretary of War concurred in the recommendation of Captain Randall, and the claim was accordingly rejected.

Referring to the papers recently filed by Mr. Lathrop in connection with this case it is proper to add that no new facts have been developed warranting a reversal of the Department's decision as above indicated. It may further be stated, in this connection, that even were the claim regarded by the Department as valid no appropriation exists under its direction from which payment could be made.

For your further information I have to state that Mr. Lathrop has to-day been informed by the Department to the above effect in response to his direct presentation of the claim.

Very respectfully,

G. D. MEIKLEJOHN,

Acting Secretary of War.

HON. WM. B. ALLISON,  
United States Senate.

SIoux CITY, IOWA, July 6, 1899.

DEAR SIR: My old friend, F. C. Boucher, now a resident upon Rosebud Indian Reservation, has appealed to me to assist him in the matter of a claim which he believes he has against the Government, and he also believes that you have some knowledge of the facts constituting the basis of his claim; that you not only can but will be willing to help him. His statement is that in February, 1877, he was employed by General Crook, then in command of the department embracing the reservations in the north and northwest, to go with Chief Spotted Tail and a squad of Indians up into the territory north and northwest of the Black Hills and induce the Indians there out on marauding expeditions and those engaged in hostilities to the United States to return to their reservations.

Mr. Boucher says that he was the one in charge of the expedition and charged with the responsibility of it. That Spotted Tail, who was his relative by marriage, went along as an associate and as a guaranty of good faith, and the other Indians as an escort, about 40 or 50 in the company. That they found the old man Crazy Horse, Lame Deer, and other chiefs with a mixed lot of Sioux Indians on the Little Missouri and at the confluence of the Little Powder with the Big Powder River, and induced over 80 lodges of them to return to their reservations, a few under Lame Deer and one other chief re-

fusing. That he sent messengers from there to the young man, Chief Crazy Horse, then with a band of hostiles some 200 miles to the north and west, with the effect that the latter chief also returned to the Red Cloud Agency in May, 1877. He says that he left the Spotted Tail Agency to go upon this expedition about the 15th of February, 1877, and returned about the 15th of April. That he furnished all the supplies and provisions for his company, for which he was to be paid, but left the matter of his compensation to be determined by the result of his mission: if not successful he was to have nothing, but if successful he was to be suitably compensated.

He says that he has had nothing whatever. Nothing for his supplies furnished, nor as compensation for himself. It would seem that an injustice is done this man, who is now old and poor, and so lame that he is compelled to get about only by the aid of crutches. I have no personal interest in his claim, and am assisting him as a matter purely of friendship, and if you know anything of the matter of his service that would be of advantage to him, or can otherwise assist him, it would not only be a favor, but be in the direction of doing justice to a deserving man.

Hoping to hear from you soon, I am, Major,

Very respectfully, yours,

J. S. LOTHROP.

J. M. LEE,

Major and Adjutant-General, U. S. Army,  
Washington, D. C.

MANILA, P. I., October 13, 1899.

Respectfully returned to Hon. J. S. Lathrop, Sioux City, Iowa. Mr. Boucher rendered the service as stated. I was agent of the Spotted Tail Indians at the time, and I have repeatedly recommended that he be paid for his services and supplies furnished. He went out on the perilous journey at the request and by the order of General Crook and did much to induce the Indians to come in and surrender. I regret that he has not been compensated, and hope justice, so long deferred, may yet be done.

J. M. LEE,

Major, Ninth Infantry.

(Late Lieutenant, Ninth Infantry, and acting Indian agent for Spotted Tail Brulé Sioux in 1877-78.)

Claim for F. C. Boucher against the United States for services rendered and supplies furnished in 1877, at the request of Gen. George Crook, upon and in charge of an expedition sent out from Fort Sheridan by said General Crook for the purpose of inducing the return to their reservations of a number of Indians then engaged in marauding, stealing cattle and other stock, at and in the vicinity of the Black Hills, Dak., and also to bring in to the reservations the Indians who were reputed to have been engaged in hostilities with the United States, under the lead of the Indian chief or leader, Crazy Horse, then up near the Canada border.

The United States to F. C. Boucher, Dr.

April 15, 1877. To services from February 10, 1877, to April 15, 1877, two months and five days, rendered the Government as above stated, and shown by claimant's affidavit, hereto attached.....	\$270.83
To supplies, food, and forage furnished to the expedition above mentioned, as shown by attached affidavit.....	279.66
To additional compensation to which claimant believes himself justly entitled, in consideration of the services rendered on said expedition.....	1,500.00
Total.....	2,050.49

F. C. BOUCHER, Claimant.

STATE OF SOUTH DAKOTA, County of Gregory, ss:

F. C. Boucher, being first duly sworn, on oath deposes and says that he is the party claimant named above; that he is 62 years of age and resides upon the Rosebud Indian Reservation in the State of South Dakota, and that his post-office address is Mills, State of Nebraska; that in 1898 he went to reside upon the Rosebud or what was then known as the Spotted Tail Reservation, about 12 miles from Camp or Fort Sheridan, he having married an Indian woman, a relative of Chief Spotted Tail, and has since resided with the Indians; that during the year 1876 troubles arose between certain of the Indians and the United States, growing out of the invasion and occupation by the whites of that portion of the then Indian Territory known as the Black Hills in the then Territory of Dakota, resulting in war which was commenced by the soldiers of the United States under General Reynolds attacking the camp of a hunting party of Indians in the Tongue River country, said Indians being under the control of a young chief or leader named Crazy Horse, the son of the old Chief Crazy Horse of the Ogalalla tribe of the Sioux Nation.

Thereafter said Crazy Horse moved north with his band, joined Sitting Bull, and was one of the leaders in command of the Indians at the Custer massacre in June, 1876. That after said Custer affair said Crazy Horse, accompanying Sitting Bull, went off to the north, but Crazy Horse finally separated from Sitting Bull, and while the latter passed into Canadian territory, the former remained with his followers within the limits of the United States near the Canada border during the winter of 1876-77. Affiant states that the Indians composing the hostile band of Crazy Horse were young men, the discontents from the various bands or tribes composing the great Sioux Nation, who had individually and surreptitiously left their respective reservations without the consent of their respective bands or tribes, as such, and had thus joined themselves to the young leader, Crazy Horse, and others engaged in hostilities with the United States.

That none of the prominent and controlling chiefs of the Sioux Nation, nor of any of the bands or tribes composing the same, had left their reservations, or had taken part in the war, or had consented to others engaging therein, and the several tribes of the Sioux Nation, as tribes, remained upon the reservations at peace with the United States.

That during the winter of 1876-77 other Indians, not connected with the hostile bands, also singly and in small squads, went away from the agencies of the several Sioux bands and established a camp or camps on the Little Missouri and Powder rivers, to the northwest of the Black Hills, at which places quite a number of Indians of all classes, old and young, men, women, and children, were encamped, and among them were some of the subreservation chiefs, viz, the old chief, Crazy Horse, father of the hostile leader, Crazy Horse, hereinbefore named, and who by marriage was related to the Ogalallas and resided with them; Touch the Cloud, of the Miniconjou; Roman Nose, also a Miniconjou, and others.

During the latter part of the winter and the early spring of 1877 Indians from the reservations going back and forth between the reservations and these camps, and hanging about the Black Hills in squads, were committing depredations upon the whites in and about the Black Hills, stealing and running off cattle and other stock.

Affiant states that about the 1st of February, 1877, he was called to Fort Sheridan by Gen. George Crook, who commanded in the department which included the Indian reservations of Dakota, and who was then at Fort Sheridan, and was asked by General Crook if he, affiant, could induce the marauding Indians, then away from their agencies, the hostiles and the marauders, to return to their respective agencies; that affiant replied that he believed he could do so if the soldiers were not permitted to accompany him, or to interfere in any way, and affiant proposed to General Crook to undertake the mission, with the understanding that he was to have such company of friendly Indians as he required, and to be paid for such expense as he might incur in furnishing supplies of food and forage for the expedition, and to be liberally paid for his services if he should succeed, but to have no pay for services in case he failed of substantial result.

Affiant states that as a result of the conference General Crook agreed to the conditions named and directed affiant to proceed upon the mission at once; that thereupon affiant selected about forty Indians of the Brule and Miniconjou Sioux to go with him, and accompanied by his relative in law, Chief Spotted Tail, the expedition left Fort Sheridan for the Northwest February 11, 1877, to carry out the wishes of General Crook.

Affiant states that the expedition was in his charge and under his control and direction, and the responsibility of it rested solely upon him; that Chief Spotted Tail was present as a guaranty of good faith, and to assist in the work affiant had undertaken.

The expedition traveled at the rate of about 10 or 12 miles per day, and reached Bear Butte, to the northeast of the Black Hills, about 150 miles distant from Fort Sheridan, about the 25th of February; that there were at that time quite a number of Indians scattered about in the vicinity of the Hills, engaged in stealing and running off cattle and other stock, the property of the whites, and the expedition stopped at Bear Butte several days to gather up these marauders. These Indians were from all over—from Red Cloud, Cheyenne River, Brules, Miniconjous, and others—and they were told that they must stop that business; that the expedition stayed at Bear Butte until we had gathered up all that we could of these parties, and then, going on, took them with us to keep them out of mischief.

Affiant states that, leaving Bear Butte, we went on to the Little Missouri River, where we found Chiefs Touch the Cloud and Roman Nose encamped with from about fifteen to twenty lodges, families of men, women, and children; that at that place they remained about two days, and after explaining our mission all the Indians there agreed to return to the Spotted Tail Agency with affiant.

That affiant then took his company on to the confluence of the Little Powder and the Powder rivers, where was encamped from about sixty-five to seventy lodges of Indians, men, old and young, women and children, and with them were Chief Lame Deer, and the Indian speaker or agitator named White Bull, and the old chief, Crazy Horse.

The Indians at this place, as also those with Touch the Cloud and Roman Nose on the Little Missouri, were a mixed lot from several of the reservations of the Sioux tribe, and most of them, including the old chief, Crazy Horse, readily agreed to return with affiant to the Spotted Tail Agency, but trouble was had with Lame Deer and White Bull, who, after three or four days' parley, finally refused to return to the agency, and with about five or six lodges went off to the Northwest, the remainder of which, including those at the Little Missouri River—there were 80 lodges—agreed to accompany affiant back to the agency.

Affiant states that on his arrival at the camp on the Powder River, he sent a message by two Indians to the young chief, Crazy Horse, who was reputed to have been in hostilities with the United States and who was then staying at a place called Chalk Bluff in Northern Mountain, near the Canadian border, about 250 miles distant from the Powder River camp, explaining the matter, stating the desire of the Government to close the disturbances, and requesting him to bring his followers to the agency at Red Cloud, and he states that the old chief, Crazy Horse, whom he found at the Powder River camp, was then about 60 years of age, had no band or followers under his charge or control, but was simply staying with the others at the camp, and from the first rendered valuable assistance in arranging for the return of those with him.

That after or about the time of the departure of Lame Deer and White Bull, with their few followers, for the Northwest, as before stated, affiant, with those remaining, about sixty to sixty-five lodges, started on their way back to the Spotted Tail Agency, picking up, on the way, the lodges with Touch the Cloud on the Little Missouri River, and going, as we came, by way of Bear Butte and passing down to the east of the Black Hills. That about 20 miles from and before reaching Bear Butte a severe snowstorm came on which compelled a halt of the company for several days until the weather should so settle that they could travel, but affiant, with Chief Spotted Tail, went on to the agency in advance, traveling day and night, and after reaching the agency sent back to the company provisions and feed, of which they were in need, the whole company finally arriving at the Spotted Tail Agency about the 15th of April, 1877. That about that time affiant received word by courier from the young man, Crazy Horse, at Chalk Bluff, that he would start at once on his return, which he did, and arrived at the Red Cloud Agency, with about 1,500 of his followers, about the 6th day of May, 1877.

Affiant states that the work to which he had been appointed upon this expedition was not only a very delicate one, requiring the exercise of the utmost care, tact, and watchfulness, coupled with a thorough knowledge of the Indian character and of the conditions then present as influences to be encountered, but was full of peril as well.

The Indians were then greatly disturbed over what they considered an unwarrantable and wrongful seizure of a large, important, and attractive portion of their territory by the whites, and although the Government had recently concluded a treaty with the various bands of the Sioux Nation, ceding the Black Hills country to the United States, that fact was not known to those away from the agencies, and by them the whites were regarded as forceful trespassers upon their rightful domain, and their cattle and other stock there the proper subject of plunder.

It was not known how the information that the tribal chiefs had ceded their land to the Government would be received by those to whom affiant was to carry such intelligence, and these matters, together with the bad feeling existing among the whites in and about the Black Hills, exasperated by the loss of large herds of their cattle and horses taken by the Indians, a feeling which threatened an attempt at reprisal whenever the opportunity might offer, rendered the undertaking of affiant one of peculiar difficulty and hazard.

Claimant states further that the success of the enterprise was of unquestioned value to the Government. By it all raiding and stealing of stock in the Black Hills country ceased, the return to their respective agencies of all the before then hostile Indians within the jurisdiction of the United States was secured, and the war that commenced March 17, 1876, terminated and peace and quiet were established.

Affiant states that the men of his expedition were mounted, and along with the train were pack horses to transport the necessary food for the outfit, grazing being mainly relied upon for feed for the horses; that all the provisions for the company, men and horses, were supplied by affiant, for which he was to be reimbursed at cost, with any other expense necessary to be incurred and incurred by him on the trip. He states that after his return he

was unable to secure a settlement with General Crook or to obtain from the Government pay for the money he paid out in expenses, nor as a remuneration for his services.

He states that in April, 1879, he filed in the Department of the Interior at Washington a claim against the Government for the sum of his expenses, \$279.66, and for services, \$250, the latter being in error, as the time employed was two months and five days, and the intent was to charge as a reasonable compensation the sum of \$125 per month, which would make the sum intended as a charge \$270.83 for his services.

He states that his claim before presented to the Department of the Interior was rejected because the Commissioner of Indian Affairs held that, the matter having been conducted under the direction of the Army, it was purely a military one and was not a proper claim against either the Treasury Department or the Indian Department. That affiant only learned of the rejection of his claim, but not of the grounds of it, until within a year past, and now submits his claim to the War Department in accordance with said decision.

Affiant further states that he is not now able to present an itemized statement of his expenses, cost of supplies, etc., as on the rejection of his claim, as above stated, he had abandoned the hope of receiving anything, and all data therefor has been lost, but he states that the sum named as a total, \$279.66, is correct and true and the same sum for which he made claim before, as above stated.

He also states that in view of the fact that twenty-three years have elapsed since he rendered the services and paid out the sum claimed for, during which time he has been deprived of its use, and in consideration of the character and of the great value of his said services to the Government, he believes that he is in justice entitled to a sum as compensation in addition to the mere monthly wages at first claimed for, and therefore asks to be allowed the further sum of \$1,500 as such compensation.

F. C. BOUCHER, Claimant.

Subscribed in my presence and sworn to before me by the said F. C. Boucher this 9th day of February, 1900; and I certify that I have no interest, direct or indirect, in the claim this affidavit is designed to support.

[SEAL.]

S. F. LUCAS,

Notary Public, Gregory County, S. Dak.

#### STATE OF NEBRASKA, Douglas County, ss:

V. T. McGillycuddy, being first duly sworn, on oath states that he is the identical person who, in 1876 and 1877, was in the service of the United States as surgeon attached to the Third United States Cavalry serving at Fort Robinson, near the Red Cloud Indian Agency, and in the field; that he was intimately acquainted with one F. C. Boucher, who at that time resided near the Spotted Tail Indian Agency, about 43 miles from Fort Robinson; that he also knew the Indian chiefs Spotted Tail, Touch the Cloud, and the two chiefs, father and son, Crazy Horse; that in February, 1877, affiant accompanied a detachment of soldiers up into the Black Hills country, sent there for the purpose of protecting the whites from marauding bands of Indians then engaged in running off cattle.

Prior to the time of affiant with said soldiers leaving Fort Robinson upon said expedition affiant was informed that an expedition had been sent out by General Crook from Camp Sheridan, near the Spotted Tail Agency, composed of a number of Indians under the charge of said F. C. Boucher, and with him Chief Spotted Tail, charged with the mission of bringing into the reservation the predatory band of Indians engaged in robbing the whites about the Hills and also to negotiate the return and bringing in the hostile Indians under the young chief Crazy Horse, then off to the north, near the Canada border.

Affiant states that he knows that later, some time early in May, 1877, the young chief Crazy Horse, with his band of hostiles, came into the camp at Fort Robinson and surrendered, and he was informed and believes it to be true that another company of Indians, among whom was the old chief Crazy Horse and Touch the Cloud, came into Camp Sheridan, at Spotted Tail Agency, and while affiant has no personal knowledge of the work of said Boucher in the matter, all the information that he has had concerning the matter, derived from the general talk among the soldiers and those composing the Boucher expedition, leads affiant to believe it to be true, and so states it to be true, that the return of said Indians was the result of the work of said Boucher in the discharge of his duties of the mission upon which he had been sent by General Crook.

Affiant states that he is informed that said Boucher has a claim against the United States for his services in said matter rendered at that time, and also for his expenses incurred in supplying the said expedition, and he avers that he has no interest, direct or indirect, in the prosecution of said claim.

V. P. MCGILLYCUDDY,

[SEAL.]

KATHRINE WORKMAN,

Notary Public.

#### STATE OF —, County of —, ss:

Stephen F. Estes, being first duly sworn, on oath deposes and says that he is 59 years of age; that he resides near Rosebud, in the State of South Dakota, and that Rosebud is his post-office address. That in 1876 and 1877 he resided at the then named Red Cloud Agency; was intimately acquainted with one F. C. Boucher, who then lived upon the Spotted Tail Reservation about 10 or 12 miles from Fort Sheridan. That in the early part of 1877 there was considerable disturbance in and in the vicinity of the Black Hills, caused by bands of predatory Indians stealing and running off the cattle and horses of the settlers and ranchers in that neighborhood, and that farther to the north there was a band of Indians under the leadership of an Indian chief or leader by the name of Crazy Horse, the son of an old Ogalalla chief of the same name, reputed to be engaged in hostilities with the United States.

That some time in February or March, 1877, affiant had knowledge, by report, that General Crook, then at Fort Sheridan, had sent said F. C. Boucher with a squad of friendly Indians from the Spotted Tail Agency, accompanied by Chief Spotted Tail, up into the disturbed country for the purpose of bringing back to the reservations the marauding Indians, and also to induce those reported to be at war with the United States to come into the agency and surrender. That he further had information that the mission was successful, and that as a result of it the Indians committing depredations at the Black Hills were brought back to the Spotted Tail Agency by said Boucher some time in April, 1877, and that among those were the old Chief Crazy Horse and Chief Touch the Cloud of the Minneconjou tribe of Sioux Indians. That he has personal knowledge that later, the latter part of April or 1st of May, 1877, the young man Crazy Horse returned to the Red Cloud Agency and surrendered with his band of about 1,500 Indians.

That his knowledge of the services of said Boucher, as above stated, is derived from conversations affiant had with Indians who claimed to have personal knowledge of the matters, and with one Joe Merrivale, a Mexican, and an Indian interpreter who was with said Boucher on said expedition, and who made his home most of the time at the Red Cloud Agency. That from said conversations his information and understanding at the time was that the return of the Indians mentioned was due to the skillful and tactful conduct of the enterprise by said Boucher, and that said Boucher was in charge



of the expedition and responsible for its management and the work he was intrusted with by General Crook.

Affiant also states that during the absence of said expedition in the discharge of its mission the weather in that country was extremely inclement and stormy, and that the members of it must have suffered greatly from cold and exposure. Affiant states he has no interest, direct or indirect, in the claim of said Boucher for his services and for pay for supplies furnished by him on that trip.

STEPHEN F. ESTES.

Subscribed and sworn to before me by the said Stephen F. Estes this 26th day of February, 1900; and I certify that I have no interest, direct or indirect, in the claim the above affidavit is designed to support.

[SEAL.]

FRANK MULLEN, Notary Public.

The subscriber, C. P. Jordan, being duly sworn according to law, deposes and says that he has personally known Mr. F. C. Boucher for nearly twenty-five years; that while he (C. P. Jordan) was chief clerk at the Red Cloud Agency, in 1877, the hostile Sioux Indians under Crazy Horse surrendered, and that he counted and took the names of the Indians at said surrender; that he learned that Mr. F. C. Boucher had gone north with Spotted Tail and other Indians, including the father of Crazy Horse, to induce the hostiles to come into the agencies.

That said F. C. Boucher did accompany the first body of hostiles from the Black Hills on their way in to surrender, and that said move on the part of the Indians was due in a great measure to the efforts of Mr. Boucher; that had it not been for the efforts of Mr. Boucher these Indians and others who followed them would have remained longer hostile and depredated upon the miners and settlers in the Northwest.

C. P. JORDAN, Indian Trader.

STATE OF NEBRASKA, County of Cherry:

Subscribed and sworn to before me this 29th day of November, 1899.

[SEAL.]

CHARLES SPARKS,  
Notary Public.

(Commission expires June 24, 1904.)

STATE OF SOUTH DAKOTA, County of Meyer, ss:

W. C. Courtis, being first duly sworn, on oath deposes and says that he is 54 years of age; that he resides near Rosebud, in the State of South Dakota, and that Rosebud is his post-office address; that in 1876 and 1877 he resided at the then named Red Cloud Agency; was intimately acquainted with one F. C. Boucher, who then lived upon the Spotted Tail Reservation, about 10 or 12 miles from Fort Sheridan.

That in the early part of 1877 there was considerable disturbance in, and in the vicinity of, the Black Hills, caused by bands of predatory Indians stealing and running off the cattle and horses of the settlers and ranchers in that neighborhood, and that farther to the north there was a band of Indians under the leadership of an Indian chief or leader by the name of Crazy Horse, the son of an Ogalalla chief of the same name, reputed to be engaged in hostilities with the United States. That some time in February or March, 1877, affiant had knowledge by report that General Crook, then at Fort Sheridan, had sent said F. C. Boucher with a squad of friendly Indians from the Spotted Tail Agency, accompanied by Chief Spotted Tail, up into the disturbed country, for the purpose of bringing back to the reservations the marauding Indians, and also to induce those reported to be at war with the United States to come into the agency and surrender.

That he further had information that the mission was successful, and that as a result of it the Indians committing depredations at the Black Hills were brought back to the Spotted Tail Agency by said Boucher some time in April, 1877, and that among these were the old chief, Crazy Horse, and Chief Touch the Cloud of the Miniconjou tribe of Sioux Indians; that he has personal knowledge that later, the latter part of April or the 1st of May, 1877, the young man, Crazy Horse, returned to the Red Cloud Agency and surrendered with his band of about 1,500 Indians.

That his knowledge of the services of said Boucher, as above stated, is derived from conversations affiant had with Indians who claimed to have personal knowledge of the matters, and with one Joe Merrivale, a Mexican and an Indian interpreter who was with said Boucher on said expedition and who made his home most of the time at the Red Cloud Agency; that from said conversations his information and understanding at the time was that the return of the Indians mentioned was due to the skillful and tactful conduct of the enterprise by said Boucher, and that said Boucher was in charge of the expedition and responsible for its management and the work he was intrusted with by General Crook.

Affiant also states that during the absence of said expedition in the discharge of its mission the weather in that country was extremely inclement and stormy, and that the members of it must have suffered greatly from cold and exposure. Affiant states that he has no interest, direct or indirect, in the claim of said Boucher for his services and for pay for supplies furnished by him on that trip.

W. C. COURTIS.

Subscribed and sworn to before me by the said W. C. Courtis this 13th day of February, 1900; and I certify that I have no interest, direct or indirect, in the claim the above affidavit is designed to support.

[SEAL.]

FRANK MULLEN, Notary Public.

Mr. GAMBLE. Mr. President, there are so many Senators here who are anxious for recognition that I do not feel like asking for more of the time of the Senate for the consideration of the bill and I ask that it go over.

Mr. COCKRELL. Retaining its place?

Mr. GAMBLE. Yes; let it go over without prejudice.

The PRESIDING OFFICER. The bill will go over, retaining its place on the Calendar.

#### SPANISH TREATY CLAIMS COMMISSION.

Mr. CULLOM. On March 11 the Senate disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8586) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898. On June 28, on motion of the Senator from Massachusetts [Mr. LODGE], the Senate requested the House to return the conference report; which report we received this morning.

I move that the motion to disagree to the report of the committee of conference on the disagreeing votes of the two Houses be reconsidered, and that the conference report be agreed to.

The motion was agreed to.

#### STATUE OF COMMODORE JOHN D. SLOAT.

Mr. PERKINS. I ask unanimous consent for the consideration at this time of the bill (S. 4657) for the erection of a statue of Commodore John D. Sloat in the city of Monterey, Cal.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which had been reported from the Committee on the Library with an amendment, to strike out all after the enacting clause and insert:

That the sum of \$10,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to aid in the erection and completion of a statue of the late Commodore John D. Sloat, United States Navy, together with a pedestal and foundation for the same, and for the preparation of the site for said statue, selected under authority of the War Department on the military reservation at Monterey, Cal., which sum shall be expended under direction of the Secretary of War: *Provided*, That the money hereby appropriated shall be drawn from time to time only as may be required during the progress of the work and upon the requisition of the Secretary of War: *And provided further*, That no part of the money hereby appropriated shall be expended until the design for said statue and pedestal shall be approved by the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to aid in the erection of a statue of Commodore John D. Sloat, United States Navy, at Monterey, Cal."

#### ALLOWANCE OF CLAIMS.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (H. R. 2494) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CHARLES SPRAGUE.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 6045) granting an increase of pension to Charles Sprague.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "sixty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Sprague, late of Company D, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### NAVAJO INDIAN RESERVATION.

Mr. BARD. I ask unanimous consent for the present consideration of the bill (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. Let the report of the committee be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. BARD on the 23d instant, as follows:

The Committee on Indian Affairs, to which was referred the bill (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, having considered the same, reports as follows:

A bill containing similar provisions to the one under consideration passed the House of Representatives during the Fifty-sixth Congress and was amended in the Senate by the insertion of a provision that certain portions of the Navajo Reservation, Ariz., should be subject to mineral entry; but it failed to become a law by reason of the veto of the President, influenced, doubtless, by the unfavorable report of the Secretary of the Interior. The present bill does not contain the objectionable feature, and it is approved by the Secretary of the Interior.

The committee concurs in the House report, hereto attached and made a part hereof, and recommends that the bill pass.

The House report and the letters of the Commissioner of Indian Affairs and the Secretary of the Interior relative to the measure are as follows:

[House Report No. 1846, Fifty-seventh Congress, first session.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, beg leave to submit the following report and recommend that said bill do pass without amendment:

A bill identical with the one under consideration passed the House during the first session of the Fifty-sixth Congress, and was favorably reported to the Senate, but failed to pass that body for lack of consideration.

The reasons for its enactment into law are given in House Report No. 411, first session Fifty-sixth Congress, and your committee adopt said report as a part of this report and append it hereto.

[House Report No. 411, Fifty-sixth Congress, first session.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, beg leave to submit the following report, and recommend that said bill do pass without amendment:

This is a bill enacting that patents for lands may be issued to certain settlers on the Navajo Indian Reservation.

The full history of the bill is contained in the following communication from the Commissioner of Indian Affairs and Secretary of the Interior:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, January 17, 1900.

SIR: I have the honor to acknowledge the receipt, by Department reference of January 11, 1890, for report, of a communication dated January 9, 1900, from Hon. J. S. Sherman, chairman of the House Committee on Indian Affairs, inclosing a copy of a bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona. Said bill was introduced in the House of Representatives by Mr. Wilson, Delegate from Arizona, on December 13, 1899, and provides—

"That all lands claimed by actual settlers or persons to whom valid rights attach, who settled upon or occupied any part of the public lands of the United States prior to the date of the Executive order of January 6, 1880, extending the boundaries of Navajo Indian Reservation, in the Territory of Arizona, and which were included in said Executive order, are hereby accepted from the operations thereof, and said settlers are hereby granted authority to establish their rights and secure patents for any of said lands to which they have a valid title under the public-land laws of the United States."

The primary object of said bill, as will be observed from the following recital, is to enable one C. N. Cotton, alleged owner of a trading post at Ganado, Ariz., to acquire title to a tract of land within the present limits of the Navajo Reservation.

By Department reference, this office received a communication dated August 11, 1890, from Mr. Cotton, which was referred to the Department by Hon. J. J. Belden, in which Mr. Cotton stated that he was the owner of a trading post at Ganado, Ariz., which he had occupied continuously since early in 1878; that in January, 1880, the strip of land occupied by him was added by Executive order to the south side of the Navajo Reservation, and claimed that as his occupation commenced prior to the date of the Executive order, his place should be excluded from the reservation. He therefore asked that an order to that effect be issued, either by the Secretary of the Interior or the President.

On December 10, 1890, this office submitted the following report to the Department on Mr. Cotton's communication:

"The matter having been referred to Agent Vandever for investigation, he reported, under date of September 25, 1890, that Mr. Cotton has lived at the place in question since the spring of 1878, having a trading post there; that he has a great many buildings and the best store on the reservation, and that from what he can learn Mr. Cotton settled there with the intention of taking up a home two years before the reservation was extended over the land."

"The Executive order of January 6, 1880, withdraws from sale and settlement a tract of country within certain described limits to be set apart as an addition to the Navajo Reservation, making no exception of tracts settled upon or occupied, as is the case in the subsequent order of May 17, 1884."

"The lands included in the addition made by the order of January 6, 1880, were unsurveyed; therefore Mr. Cotton had acquired no vested right in the lands occupied by him (Frisbie v. Whitney, 9 Wall., 187), and the President had the power to reserve them for Indian purposes (5 Wall., 681, and 6 Wall., 363)."

"It has not been the policy of the Department, however, to recommend the appropriation of lands in the occupation of bona fide settlers, unless such appropriation was considered necessary for the wants of the Indians. In such cases it has been customary to recommend compensation for the improvements made by such bona fide settlers."

"It is probable that when the order of January 6, 1880, was issued it was not known that any improvements were located on the addition."

"Since the passage of the act of February 8, 1887 (24 Stat., 388), this office has held that the rights of the Indians in an Executive order reservation are such that the lands therein can only be restored in pursuance of an agreement with the Indians interested, duly ratified by Congress."

"I am inclined to think, however, that where lands to which private parties have acquired valid, or even inchoate rights, have been included in an Indian reservation by Executive order, such order may now be so modified as to except such lands from the operation thereof, and I have accordingly prepared the draft of an Executive order amending and modifying that of January 6, 1880, so as to exclude from the operation thereof any tract or tracts of land which were settled upon and occupied, or to which valid rights had attached under then existing laws of the United States prior to said date, and have the honor to recommend, if you concur in the views herein expressed, that the same be laid before the President for his signature."

"I am not aware that any other person was located upon the land included in the addition prior to January 6, 1880, but have deemed it proper to make the order general in its terms rather than to exempt Mr. Cotton by name."

In Department letter dated December 27, 1890, this office was informed that its report of December 8, 1890, had been referred to the Assistant Attorney-General for the Interior Department, who held:

"The general allotment act of February 8, 1887 (24 Stat., 388), referred to by the Commissioner, unquestionably gives to the Indians the same rights in a reservation created by Executive order as if made by treaty or act of Congress. This being so, the land embraced therein is subject to allotment, and the surplus can be restored only in accordance with the terms of said act, which requires that the negotiations with the Indians for the sale of such portions of the reservation not allotted 'shall not be complete until ratified by Congress' (sec. 5 of said act), but Congress can by additional legislation except the same from the provisions of said act of 1887. If this be the true construction of said act of 1887—and I think it is—it would be inconsistent to ask the President to issue an order excepting said lands from the effect of the order of 1880, and, in effect, attempt to do that which can only be done by an act of Congress."

It was further stated in said Department letter that—

"In accordance with said opinion your recommendation that the said draft of an Executive order be laid before the President for his signature is not

concurred in, and to enable Mr. Cotton to secure relief by Congressional action you are hereby directed to reserve the land covered by his improvements and occupied by him from allotment under the act of February 8, 1887, until further advised by the Department."

The text of the opinion of the Assistant Attorney-General referred to will be found in volume 12, Land Decisions, page 236.

In a communication dated February 9, 1890, addressed to the President and referred by the Department to this office, Hon. N. O. Murphy, governor of Arizona, wrote in the interest of Mr. J. J. Hubbell, a resident of Ganado, Ariz. February 15, 1890, Indian Inspector Duncan referred to this office a letter dated January 3, 1890, from Mr. Cotton, with reference to his claim. On March 9, 1890, Mr. S. M. Brosius submitted a communication, with certain affidavits, relating to Mr. Hubbell's claim.

It appearing that the claims of Mr. Cotton and Mr. Hubbell were in conflict, this office, on March 10, 1890, addressed a letter to Lieut. Col. Constant Williams, United States Army, late acting Indian agent at the Navajo Agency, and then in this city, requesting him to report if there were any other persons besides Mr. Cotton who claim to have acquired valid rights prior to January 6, 1880, to land included in the Navajo Reservation by the Executive order of that date, and whose interests would be affected by the enactment of proposed legislation. Lieutenant-Colonel Williams was requested also to give his views with reference to Mr. Hubbell's claim and to state whether or not the claims of Cotton and Hubbell relate to the same land.

On April 4, 1890, Mr. G. W. Hayzlett, the United States Indian agent in charge of the Navajo Agency, was instructed to ascertain and submit information concerning the matters referred to, in line with the request made of Lieutenant-Colonel Williams.

April 11, 1890, Lieutenant-Colonel Williams advised this office that one A. C. Damon "makes such claim for a tract of land, with improvements, close to the agency at Fort Defiance, which he was occupying in November last, and had been continuously occupying for about thirty years;" that the land at Ganado, Ariz., was occupied at the time the reservation was extended by the Executive order of January 6, 1880, by Mr. J. L. Hubbell, who had purchased the improvements thereon a year or two before from a man named Williams, and that Hubbell afterwards sold all, or a part, to C. N. Cotton. Lieutenant-Colonel Williams adds that there is no doubt of the equitable right of Mr. Cotton to the property at Ganado; that he investigated the matter while agent for the Navahoes, and that he believes Mr. Damon's claim is equally good. He states that there are no other claims that he ever heard of.

Reporting under date of June 29, 1890, Agent Hayzlett states that the interests of Messrs. Cotton and Hubbell are identical. In support of this statement the agent inclosed a letter, dated April 24, 1890, from Mr. Cotton, as follows:

"Mr. Hubbell's interest in the land and mine are the same, and if his claim is allowed it will be perfectly satisfactory to me and I will have no further claim. I do not know of any other white people that are affected by this Executive order."

Further reporting, Agent Hayzlett states that one Anson C. Damon is affected by the Executive order of January 6, 1880; that he resides near 1 mile south of the original south base line of the reservation as it was prior to the extension under said order; that Damon is said to have been a soldier and receives a small pension, and came there with the Navahoes when they were returned from Fort Sherman about thirty years ago; that he has a squaw wife, two grown sons, and two or three smaller children, and that he is very desirous of receiving the benefits of the proposed legislation. Agent Hayzlett thinks that there are no other persons aside from Cotton, Hubbell, and Damon likely to be affected thereby.

In view of what has been stated, this office reports that it is aware of no objection to the enactment of the bill under consideration. A somewhat similar bill (H. R. 5595) was introduced in the first session of the Fifty-second Congress, but was not reported upon by this office and failed to become a law.

The communication from Mr. Sherman, with its inclosure, and copies of the following correspondence, are herewith transmitted, together with a copy of this report:

(1) Letter dated February 15, 1890, from Inspector J. A. Duncan, inclosing letter dated January 3, 1890, from C. N. Cotton, and a copy of H. R. 5595, Fifty-second Congress, first session.

(2) Letter dated February 9, 1890, from Hon. N. O. Murphy, governor of Arizona.

(3) Letter dated March 9, 1890, from Mr. S. M. Brosius, with inclosures.

(4) Report dated April 11, 1890, from Lieut. Col. Constant Williams, United States Army, late acting United States Indian agent at the Navajo Agency.

(5) Report dated June 29, 1890, from Mr. G. W. Hayzlett, United States Indian agent at the Navajo Agency, with inclosure.

Very respectfully, your obedient servant,

W. A. JONES, Commissioner.

THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,  
Washington, February 3, 1900.

SIR: I have the honor to acknowledge the receipt of your communication of the 9th ultimo, and accompanying H. R. 4001, "A bill authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona."

In response thereto I transmit herewith a copy of a report, dated the 17th ultimo, from the Commissioner of Indian Affairs, and accompanying papers, to whom the matter was referred.

The Commissioner gives a history of the case, and states that he is aware of no objection to the enactment of this bill.

I concur in his views.

Very respectfully,

E. A. HITCHCOCK, Secretary.

THE CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,  
House of Representatives.

For the reasons evident from the facts above reported, the committee are of the opinion that the bill is meritorious and should become a law.

DEPARTMENT OF THE INTERIOR,  
Washington, May 12, 1902.

SIR: I have the honor to acknowledge the receipt, by your reference of the 30th ultimo, of S. 5529, "A bill authorizing the adjustment of the rights of settlers on the Navajo Indian Reservation, Territory of Arizona."

In response to your request for report on the bill, I have the honor to transmit herewith a copy of a communication of the 7th instant from the Commissioner of Indian Affairs on the subject, from which it will be seen that S. 5529 is identically the same in language as H. R. 4001, Fifty-sixth Congress, first session, upon which favorable report was made by this Department on February 3, 1900. The bill H. R. 4001 passed the House of



Representatives on March 5, 1900, and afterwards passed the Senate with the following amendment:

"Provided, That all that portion of the Navajo Indian Reservation in Arizona lying north of 30° 30' north latitude, and west of the one hundred and eleventh meridian be, and is hereby, opened and subjected to the mining laws of the United States."

The bill as amended was passed by the Senate and afterwards by the House, and finally by the Congress upon the report of a conference committee.

In response to a request of the President for a report upon the enrolled bill H. R. 4001, I called his attention on April 30, 1900, to the objectionable features thereof, and upon my recommendation he returned the same to the House of Representatives without his approval.

There was no objection to H. R. 4001 as originally passed by the House, and as the bill now under consideration, viz, S. 5529, is substantially the same in every respect, I see no reason why it should not become a law.

I inclose a copy of Senate Report 699, Fifty-sixth Congress, first session, which shows the action of the Department on H. R. 4001, as originally proposed.

Very respectfully,

E. A. HITCHCOCK,  
Secretary.

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,  
United States Senate.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, May 7, 1902.

SIR: I have the honor to acknowledge the receipt, by Department reference for report, of a communication dated April 30, 1902, from Hon. WILLIAM M. STEWART, chairman of the Committee on Indian Affairs, United States Senate, inclosing a copy of S. 5529, "A bill authorizing the adjustment of the rights of settlers on the Navajo Indian Reservation, Territory of Arizona," with request for information thereon for the use of the committee. The bill provides—

"That all lands claimed by actual settlers or persons to whom valid rights attach, who settled upon or occupied any part of the public lands of the United States prior to the date of the Executive order of January 6, 1880, extending the boundaries of the Navajo Indian Reservation, in the Territory of Arizona, and which were included in said Executive order, are hereby excepted from the operations thereof, and said settlers are hereby granted authority to establish their rights and secure patents for any of said lands to which they have a valid title under the public land laws of the United States."

Said bill is identically the same in language as the bill H. R. 4001, Fifty-sixth Congress, first session, upon which, in its original form, this office reported favorably to the Department on January 17, 1900. (See Senate Report No. 699, Fifty-sixth Congress, first session.)

The bill H. R. 4001 passed the House of Representatives March 5, 1900, and afterwards passed the Senate with an amendment subjecting a certain portion of the Navajo Reservation in Arizona to mineral entry. As so amended the bill passed Congress, but by reason of the President's veto failed to become a law.

In view of what has been stated, the enactment of the bill S. 5529 is recommended.

The communication from Senator STEWART is herewith returned, with a copy of this report.

Very respectfully, your obedient servant,

A. C. TONNER,  
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

An act authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona.

Be it enacted, etc., That all lands claimed by actual settlers or persons to whom valid rights attach, who settled upon or occupied any part of the public lands of the United States prior to the date of the Executive order of January 6, 1880, extending the boundaries of the Navajo Indian Reservation, in the Territory of Arizona, and which were included in said Executive order, are hereby excepted from the operations thereof, and said settlers are hereby granted authority to establish their rights and secure patents for any of said lands to which they have a valid title under the public land laws of the United States.

Mr. COCKRELL. I observed that one bill had been vetoed, and I desired to have the report read in order to show that the pending bill is not the one which was vetoed and that the Secretary of the Interior and the Commissioner of Indian Affairs recommend that this bill be passed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SURVEY OF THE ISTHMUS OF DARIEN.

Mr. SCOTT. I should like to ask unanimous consent to call up the joint resolution (S. R. 116) providing for a survey of the Isthmus of Darien for canal purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. BERRY. I should like to ask the Senator from West Virginia what committee has reported the joint resolution.

Mr. SCOTT. The joint resolution has never been referred to a committee, and consequently there is no report on it. The fact was developed during the discussion on the canal bill that title could not be acquired to the Darien route; that the title was vested in the Panama Canal Company. We passed a bill authorizing the President, under certain conditions, to build on the Panama route, and of course if we can acquire and have a valid title to that route we would have title to the territory through which the Darien canal would be built. If we can build a canal 29½ miles long through which vessels can go in five or six hours, and if in buying the rights of the Panama Canal Company we acquire the right to this territory, why not have it surveyed? If this is the better route, we can afford to throw away the amount of money spent on the Panama Canal route and build a canal for one-fourth the money, with less than one-half the distance, on

the route I am asking to have surveyed. We are not asking the Government of the United States to spend one dollar in making the survey.

Mr. BERRY. I should like to ask the Senator whether, if the proposition is to have the Government survey this route, it will not have the effect to delay operations on the other canal project now contemplated—the Panama or the Nicaragua, as the case may be—will it not delay it?

Mr. SCOTT. I will answer the Senator that this survey will not in any way delay it. I am not asking by the joint resolution that there shall be delay, but simply that the facts may be laid before the Senate.

In last January I introduced a resolution and asked for an appropriation of \$15,000, part of which should be expended to examine this route; and the resolution was reported back unfavorably. Then, as I suggested at the time in the few remarks which I made to the Senate, a report could have been made, before this body determined what route we should select for the canal, whether or not this route was feasible. But the Senate in its wisdom sustained the action of the committee which reported back unfavorably.

Now, I come again to the Senate with a joint resolution asking the poor privilege of having this route surveyed and investigated, that the facts may be laid before the Senate without costing the United States anything for the survey.

Mr. BERRY. Who is to pay for the survey, will the Senator tell me?

Mr. SCOTT. That is not germane to the question at all.

Mr. BERRY. What has the Government got to do with it?

Mr. SCOTT. It is simply to give it an official character, that the Government officials, United States engineers, may examine the route and report upon it. I do not for the life of me see why Senators should for a moment oppose a proposition of this kind. If there is a better route than the Panama or the Nicaragua route, why is it not the part of wisdom that we should know it before we expend hundreds of thousands and millions of dollars in building something we shall not want. I hope the joint resolution may be passed.

Mr. MITCHELL. Mr. President, I understand the joint resolution has never been before a committee, and I move that it be referred to the Committee on Inter-oceanic Canals.

Mr. SCOTT. I hope the motion will not prevail, because the result will be the same as with the resolution I offered in January—it will be smothered, and there will never be a report from it, except, perhaps, adversely.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Oregon, to refer the joint resolution to the Committee on Inter-oceanic Canals.

The motion was agreed to.

#### HEIGHT OF BUILDINGS IN THE DISTRICT.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment of the Committee on the District of Columbia was, on page 1, line 8, after the words "District of Columbia," to insert "and in case of additions to existing structures the restrictions contained herein shall apply only to such additions;" so as to read:

That section 3 of the act entitled "An act to regulate the height of buildings in the District of Columbia," approved March 1, 1899, be amended by adding thereto the following: "Provided, That this requirement shall not apply to churches erected outside of the fire limits as now or hereafter established within the District of Columbia, and in case of additions to existing structures the restrictions contained herein shall apply only to such additions."

The amendment was agreed to.

The next amendment was at the top of page 2, to insert as a new section the following:

SEC. 2. That section 4 of said act be amended to read as follows:

"SEC. 4. That no building shall be erected or altered on any street or avenue or highway in the District of Columbia to exceed in height above the sidewalk the width of the street in its front. Where a building is to be erected removed from all points within the bounding lines of its own lots as recorded by a distance at least equal to its proposed height above grade, the extreme limits of height permitted for fireproof or nonfireproof buildings in residence sections may be allowed, the measurements to be taken from the natural grades at the building as determined by the Commissioners. On business streets and avenues, as the same are now or may hereafter be designated by the Commissioners of said District, no building shall be erected or altered to exceed the height of 110 feet, except on business streets or avenues 100 feet wide, where a height not exceeding 130 feet may be allowed.

"On residence streets and avenues no building shall be erected or altered so as to be over 80 feet in height, nor shall it exceed 10 feet less than the width of the street or avenue upon which it abuts, except on streets 60 to 65 feet wide, where a height of 60 feet will be allowed, and on streets 60 feet wide and less, where a height equal to the full width of the street will be allowed. The height of buildings on corner lots will be regulated by the width of the wider street: Provided, That if said buildings have projections, such as bay

windows, oriels, covered porches, etc., extending over two stories, the height of the building shall be diminished by the amount of the greatest projection: *Provided further*, That spires, towers, and domes may be erected to a greater height than the limits herein prescribed when approved by the Commissioners of the District of Columbia: *And provided also*, That on streets less than 80 feet wide, where building lines have been established so as to be a matter of public record in the office of the surveyor of the District and so as to prevent the lawful erection of any building in advance of said lines, the width of the street, in so far as it controls the height of buildings under this law, may be held to be the distance between said building lines. On blocks immediately adjacent to public buildings or to the site of any public building for which plans have been prepared and money appropriated at the time of application for the permit the height shall be regulated by a schedule adopted by the Commissioners of the District of Columbia."

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to insert as a new section the following:

SEC. 3. That section 5 of said act be amended to read as follows:

"SEC. 5. That no wooden or frame building, as authorized by existing law, hereafter erected or altered, and intended to be used for human habitation, shall exceed in height three stories, or 40 feet to the roof."

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to insert as a new section the following:

SEC. 4. That section 6 of said act be amended to read as follows:

"SEC. 6. That the height of all buildings shall be measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof. If the building has more than one front, the height shall be measured from the mean elevation of the sidewalk at the street corners. No parapet walls shall extend above the limit of height."

The amendment was agreed to.

Mr. COCKRELL. Let the report be read.

The Secretary read the report submitted by Mr. McMILLAN on the 5th instant, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia, report the same back to the Senate with certain amendments and recommend its passage as amended.

The provisions of the bill as reported were all prepared by the Commissioners of the District of Columbia, in order more effectually to regulate the height of buildings in the city of Washington, particularly on narrow streets and on squares opposite to the great buildings of the Government. The Commissioners' bill spoken of in their reports was prepared as a separate measure, and the essential features of it have been incorporated in the bill as reported.

The letters of the Commissioners are appended, as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,  
Washington, May 3, 1902.

SIR: The Commissioners have the honor to report with respect to Senate bill 5495, "To amend an act entitled 'An act to regulate the height of buildings in the District of Columbia,' approved March 1, 1899," which was referred to them at your instance for their views thereon, that while they have no objection to the passage of the bill, they prefer the enactment of the inclosed draft of a bill "To regulate the height of buildings in the District of Columbia," which was handed to you by Commissioner Biddle. This draft provides an exception with regard to churches without the fire limits, which is the subject of Senate bill 5495.

Very respectfully,

HENRY B. F. MACFARLAND,

President Board of Commissioners District of Columbia.

Senator JAMES McMILLAN,  
Chairman Committee on District of Columbia,  
United States Senate.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,  
Washington, April 4, 1902.

SENATOR: The Commissioners have the honor to submit the following on Senate joint resolution No. 72, to restrict the height of buildings on residence streets to the width of the street between curb lines, which was referred to them by your committee for report.

The width between curb lines is a somewhat variable quantity, even along streets of the same width between building lines, the width of the roadway being determined by the character of the traffic using the street. It is the policy to narrow the roadway between curbs on residence streets where traffic is light, in order to lessen the expense of paving, and also to give as great an amount of parking as possible. As a rule, the width between curb lines on residence streets is 30 or 35 feet, while the distance from building line to building line is 80 or 90 feet.

The streets of the District, except some minor streets, are of ample width, and the consideration involved in a further restriction of the height of buildings is more a matter of damage to a locality where a high building is erected than to any lack of light and air. In some parts of the city buildings 80 and 90 feet high would be a benefit; while in other parts, even on wider streets, a high building might cause great damage to the adjacent property.

For the foregoing reason the Commissioners can not recommend that favorable action be taken upon the resolution. Their views upon the matter are embodied in the draft of a bill, a copy of which is inclosed, which has been prepared in accordance with instructions received from your committee.

This draft has been carefully considered by them, and has also been submitted to a number of the prominent architects of the city for remark. It contains very few changes from existing law, the changes being to restrict the height of buildings in the residence sections to 80 feet instead of 90 and to 10 feet less than the width of the street between building lines, except that on streets less than 60 feet in width buildings of the full width of the street will be allowed. It also provides for the adoption of a schedule by the Commissioners to regulate the height of buildings on blocks adjacent to public buildings.

Very respectfully, yours,

HENRY B. F. MACFARLAND,

President of the Board of Commissioners of the District of Columbia.

Hon. JAMES McMILLAN,  
Chairman Committee on the District of Columbia, Senate.

The Commissioners' bill is as follows:

A bill to regulate the height of buildings in the District of Columbia.

Be it enacted, etc., That from and after the date of the approval of this act no combustible or nonfireproof building intended to be used or occupied

as a residence or as an apartment house or hotel in the District of Columbia shall be erected to a height of more than five stories or raised to a height exceeding 60 feet above the sidewalk, the measurements to be made as hereinafter prescribed.

SEC. 2. That buildings intended for business purposes solely may be erected to a height of 75 feet without being of fireproof construction.

SEC. 3. That all buildings, except churches, hereafter erected or altered to exceed 75 feet in height shall be fireproof or noncombustible, and of such materials throughout as may be prescribed by the Commissioners of the District of Columbia. Within the fire limits churches hereafter constructed, including Sunday schools and meeting rooms, must be of fireproof construction up to and including the main or auditorium floor.

SEC. 4. That no building shall be erected or altered on any street or avenue or highway in the District of Columbia to exceed in height above the sidewalk the width of the street in its front. Where a building is to be erected removed from all points within the bounding lines of its own lots as recorded by a distance at least equal to its proposed height above grade, the extreme limits of height permitted for fireproof or nonfireproof buildings in residence sections may be allowed, the measurements to be taken from the natural grades at the building as determined by the Commissioners. On business streets and avenues, as the same are now or may hereafter be designated by the Commissioners of said District, no building shall be erected or altered to exceed the height of 110 feet, except on business streets or avenues 160 feet wide, where a height not exceeding 130 feet may be allowed.

On residence streets and avenues no building shall be erected or altered so as to be over 80 feet in height, nor shall it exceed 10 feet less than the width of the street or avenue upon which it abuts, except on streets 60 to 65 feet wide, where a height of 60 feet will be allowed, and on streets 60 feet wide and less, where a height equal to the full width of the street may be allowed. The height of buildings on corner lots shall be regulated by the width of the wider street: *Provided*, That if said buildings have projections, such as bay windows, oriels, covered porches, etc., extending over two stories, the height of the building shall be diminished by the amount of the greatest projection: *Provided further*, That spires, towers, and domes may be erected to a greater height than the limits herein prescribed when approved by the Commissioners of the District of Columbia: *And provided also*, That on streets less than 80 feet wide, where building lines have been established so as to be a matter of public record in the office of the surveyor of the District and so as to prevent the lawful erection of any building in advance of said lines, the width of the street, in so far as it controls the height of buildings under this law, may be held to be the distance between said building lines. On blocks immediately adjacent to public buildings or to the site of any public building for which plans have been prepared and money appropriated at the time of application for the permit the height shall be regulated by a schedule adopted by the Commissioners of the District of Columbia.

SEC. 5. That no wooden or frame building, as authorized by existing law, hereafter erected or altered, and intended to be used for human habitation, shall exceed in height three stories, or 40 feet to the roof.

SEC. 6. That the height of all buildings shall be measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof. If the building has more than one front, the height shall be measured from the mean elevation of the sidewalk at the street corners. No parapet walls shall extend above the limit of height.

SEC. 7. That the limitations of height herein prescribed shall not apply to Federal or District buildings.

SEC. 8. That all acts or parts of acts inconsistent herewith are hereby repealed.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN F. WESTON.

Mr. WARREN. I desire to call up for present consideration the bill (S. 6004) authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of \$241.60, etc.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SPOONER. I wish the Senator from Wyoming would explain the bill.

Mr. COCKRELL. Let the report be read.

Mr. WARREN. The report is very short. General Weston, then Captain Weston, was ordered across the country to perform certain services in the mountains. The Government placed its freight and the tools and the personal effects, etc., of General Weston in charge of a freighter. The train was overtaken and destroyed by Indians. The Government paid the contractor for his losses, and paid everybody else, but for some reason the account of Captain Weston was not paid. Later it went to the Court of Claims, and was ruled against on account of jurisdiction. The report is short. I ask that it may be read.

Mr. SPOONER. Then this is an Indian depredation claim?

Mr. WARREN. It could be called an Indian depredation claim, I think, though differing widely from those claims regularly designated as Indian depredation claims, and known to Congress and the country as such.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. WARREN on the 13th instant, as follows:

The Committee on Claims, to which was referred the bill (S. 6004) authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of \$241.60, having had the same under careful consideration, begs to report the same back to the Senate, with recommendation that it do pass.

The claimant, Gen. John F. Weston, was captain and commissary of subsistence, United States Army, in 1877, and in September of that year he was ordered to proceed from the cantonment on Tongue River, Montana, via Cow Island to Helena, Mont. He turned over two chests containing personal effects to the quartermaster to be transported to his destination. These chests were captured by Nez Perce Indians. The value of the tools, clothing, professional books, etc., thus taken from him amounted to \$241.60.

When starting out to make this trip, the chests were turned over in the usual way to the quartermaster for transportation. The contractor employed



to carry the quartermaster supplies, who was given charge of Captain Weston's effects, was reimbursed by the Government for all the losses he sustained, but Captain Weston was not thus relieved and has never been reimbursed for his loss.

It appears that this case was submitted to the Court of Claims, but that court denied relief, as per the following decision:

[Court of Claims. Indian Depredations, No. 207. John F. Weston v. The United States and the Nez Perce Indians.]

This case having been heard by the court on the defendant's plea to the jurisdiction of the court for the want of amity of the defendant Indians at the time of the alleged depredation, to-wit, September, 1877, the court sustains said plea and the petition is therefore dismissed. (See the case of Woolverton v. The United States et al., 29 C. Cls. R., p. 107, in which the question of amity of the defendant Indians was passed upon.)

BY THE COURT.

Filed May 29, 1899.

A true copy.

Test this 26th day of May, 1902.

[SEAL.]

JOHN RANDOLPH,  
Assistant Clerk Court of Claims.

Your committee believe that this is not an ordinary "Indian depredation" case, and that the Government should be as liberal with a faithful army officer as it has been with the contractor who was employed to transport supplies.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM L. CHURCH.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. BURROWS. Will the Senator from New Jersey yield to me for a moment in order to secure the passage of a brief pension bill?

Mr. KEAN. I withdraw the motion.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill (H. R. 12977) granting an increase of pension to William L. Church.

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of William L. Church, late of Company B, Forty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DARWIN S. HALL.

Mr. CLAPP. Will the Senator from New Jersey yield to me for a moment?

Mr. KEAN. Certainly.

Mr. CLAPP. I ask unanimous consent for the immediate consideration of the bill (S. 5272) for the relief of Darwin S. Hall. It is a small claim recommended by the Department.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve Darwin S. Hall from the obligation to refund the sum of \$111, being the difference claimed to be due from him in his account as commissioner, Chippewa Commission in Minnesota, and special disbursing agent from October 10, 1897, to July 31, 1900.

Mr. COCKRELL. Let the report be read. It is only ten lines long.

The Secretary read the report submitted by Mr. CLAPP on the 27th instant, as follows:

The Committee on Claims, to whom was referred the bill (S. 5272) for the relief of Darwin S. Hall, report favorably and recommend the passage of said bill without amendment.

The committee beg leave to refer to the annexed letter of the honorable Secretary of the Interior, as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, June 24, 1902.

SIR: Responding to your letter of the 21st instant in the matter of the claim of Darwin S. Hall, as represented by S. 5272, a bill for his relief, which was the subject of my letter to you of the 17th instant, I now beg to state that for the reasons set out in your letter the objections to the passage of said bill, as heretofore communicated to you, are withdrawn and the enactment of the proposed legislation suggested.

The copy of the bill and statement of differences which accompanied your letter are returned as requested.

Very respectfully,

E. A. HITCHCOCK,  
Secretary.

Hon. MOSES E. CLAPP,  
Committee on Claims, United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUST OF THE LATE PRESIDENT M'KINLEY.

Mr. HANNA. I introduce a joint resolution, and ask for its immediate consideration.

The joint resolution (S. R. 131) to purchase a bronze portrait bust of the late President McKinley from Mrs. Emma Cadwallader-Guild was read the first time by its title and the second time at length, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a sufficient sum as may be necessary, at their discretion, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Joint Committee on the Library to purchase from Mrs. Emma Cadwallader-Guild her bronze portrait bust of the late President McKinley.

Mr. COCKRELL. Is the joint resolution one that is on the Calendar?

The PRESIDENT pro tempore. No; it is a joint resolution introduced by the Senator from Ohio, for which he asks present consideration.

Mr. COCKRELL. Has it gone to the Committee on the Library?

The PRESIDENT pro tempore. It has not.

Mr. HANNA. I will say in explanation that the matter has been delayed because the chairman of the Committee on the Library has not been able to have a meeting. I introduced the joint resolution by consent of the chairman, the Senator from Rhode Island [Mr. WETMORE], and he said he would take it right up. If anything is to be done about its purchase, it has to be done now. It is left discretionary with the committee to purchase it or not to purchase it, and the price is to be fixed by the committee.

Mr. COCKRELL. Let the joint resolution be read.

The joint resolution was again read.

Mr. PETTUS. Mr. President, I think the joint resolution ought to go to a committee.

The PRESIDENT pro tempore. The Senator from Alabama objects to the present consideration of the joint resolution. Does the Senator from Ohio desire its reference to the committee?

Mr. HANNA. Yes, sir.

The PRESIDENT pro tempore. It will be referred to the Committee on the Library.

#### INVESTIGATION OF AFFAIRS IN THE PHILIPPINES.

Mr. CARMACK. On behalf of the minority of the Committee on the Philippines, I ask leave to submit a resolution. Let it be read and lie over.

The resolution was read, as follows:

Resolved, That the Committee on the Philippines be authorized and instructed to sit during the recess of Congress for the purpose of prosecuting the investigation heretofore authorized by resolution of the Senate.

2. That said committee be further authorized and instructed to visit the Philippine Islands during the recess of Congress for the purpose of examining witnesses and otherwise prosecuting the said investigation.

The PRESIDENT pro tempore. What does the Senator from Tennessee desire to have done with the resolution?

Mr. CARMACK. Let it go over under the rule.

The PRESIDENT pro tempore. The resolution will lie over.

ANGUS A. M'PHEE.

Mr. QUARLES. May I ask the Senator from New Jersey to kindly yield to me for a moment?

Mr. KEAN. I will yield to the Senator, but this is the last time I can yield.

Mr. QUARLES. I ask unanimous consent for the present consideration of the bill (H. R. 367) for the relief of Angus A. McPhee.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Angus A. McPhee \$676.85, being the amount of a certain judgment recovered by the United States against McPhee on the 30th day of April, 1894, in the circuit court of the western district of Wisconsin, for \$616.85, and \$60 expended for costs by said McPhee in defending the action, and which judgment was paid in full by McPhee, it being for the value of timber cut from certain lands.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EXECUTIVE SESSION.

Mr. KEAN. I renew my motion.

The PRESIDENT pro tempore. The Senator from New Jersey moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 27th instant approved and signed the following acts:

An act (S. 1184) granting a pension to Mary Florence Von Steinwehr;

An act (S. 1205) granting a pension to Isabella H. Irish;

An act (S. 3032) granting a pension to Samuel J. Christopher and Jane Vickers;

An act (S. 3552) granting a pension to John A. Reilly;

An act (S. 4190) granting a pension to Fredereka Seymore;

An act (S. 4709) granting a pension to Nelson W. Wade;

An act (S. 4710) granting a pension to Anna May Hogan;

An act (S. 5065) granting a pension to Jemima McClure.

An act (S. 5080) granting a pension to Hester A. Farnsworth;

An act (S. 5263) granting a pension to Fannie Frost;

An act (S. 5741) granting a pension to Martha E. Kendrick;

An act (S. 7) granting an increase of pension to William H. Thomas;  
 An act (S. 332) granting an increase of pension to Louisa A. Crosby;  
 An act (S. 896) granting an increase of pension to James E. McNair;  
 An act (S. 1132) granting an increase of pension to R. Sherman Langworthy;  
 An act (S. 1458) granting an increase of pension to Linda W. Slaughter;  
 An act (S. 1980) granting an increase of pension to William D. Stites;  
 An act (S. 1981) granting an increase of pension to Thomas Hannah;  
 An act (S. 2048) granting an increase of pension to Lewis G. Latour;  
 An act (S. 2050) granting an increase of pension to Edward N. Goff;  
 An act (S. 2051) granting an increase of pension to Henry W. Tryon;  
 An act (S. 2265) granting an increase of pension to William Kelley;  
 An act (S. 2289) granting an increase of pension to Benjamin S. Harrower;  
 An act (S. 2375) granting an increase of pension to Daniel Ridinger;  
 An act (S. 2653) granting an increase of pension to Joshua Weaver;  
 An act (S. 2703) granting an increase of pension to James S. Myers;  
 An act (S. 3041) granting an increase of pension to Emma F. Shilling;  
 An act (S. 3292) granting an increase of pension to Henry Looz Reger;  
 An act (S. 3567) granting an increase of pension to Peter J. Osterhaus;  
 An act (S. 3997) granting an increase of pension to Otis A. Barlow;  
 An act (S. 4064) granting an increase of pension to Betsy Gumm;  
 An act (S. 4183) granting an increase of pension to Oceana B. Irwin;  
 An act (S. 4300) granting an increase of pension to Ann Comins;  
 An act (S. 4509) granting an increase of pension to Robert Lemon;  
 An act (S. 4764) granting an increase of pension to Queen Esther Grimes;  
 An act (S. 4783) granting an increase of pension to Mary Breckons;  
 An act (S. 4912) granting an increase of pension to Maggie L. Reaver;  
 An act (S. 4934) granting an increase of pension to Francis M. McAdams;  
 An act (S. 5007) granting an increase of pension to James Irvine;  
 An act (S. 5140) granting an increase of pension to Dudley Cary;  
 An act (S. 5141) granting an increase of pension to Charles Barrett;  
 An act (S. 5206) granting an increase of pension to John M. Wheeler;  
 An act (S. 5227) granting an increase of pension to Elizabeth Whitty;  
 An act (S. 5302) granting an increase of pension to John H. Everitt;  
 An act (S. 5402) granting an increase of pension to Hiram H. Thomas;  
 An act (S. 5424) granting an increase of pension to Cynthia J. Shattuck;  
 An act (S. 5466) granting an increase of pension to Edgar T. Chamberlin;  
 An act (S. 5650) granting an increase of pension to William R. Raymond;  
 An act (S. 5748) granting an increase of pension to Thomas D. Utter;  
 An act (S. 5924) granting an increase of pension to Edwin Young;  
 An act (S. 6021) granting an increase of pension to Esther D. Haslam; and  
 An act (S. 6040) granting an increase of pension to John W. Craine.

The message also announced that the President of the United States had on the 28th instant approved and signed the following acts:

An act (S. 1026) to fix the compensation of district superintendents in the Life-Saving Service;

An act (S. 2848) for the establishment of a subport of entry at Naco, Ariz.;

An act (S. 3746) to amend section 2593 of the Revised Statutes, relating to ports of entry;

An act (S. 3375) relating to the construction of a dam across Rainy River;

An act (S. 3651) appropriating the sum of \$3,000 a year for the support and maintenance of the permanent international commission of the congresses of navigation, and for other purposes; and

An act (S. 5269) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States.

The message further announced that the President of the United States had on this day approved and signed the following act and joint resolutions:

An act (S. 6178) to amend section 4 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902.

A joint resolution (S. R. 103) providing for the binding and distribution of public documents held in the custody of the superintendent of documents, unbound, upon orders of Senators, Representatives, Delegates, and officers of Congress, when such documents are not called for within two years after printed; and

A joint resolution (S. R. 111) limiting the gratuitous distribution of the Woodsman's Handbook to the Senate, the House of Representatives, and the Department of Agriculture.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

A bill (S. 1949) to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy;

A bill (S. 4762) to prevent any consular officer of the United States from accepting any appointment from any foreign state as administrator, guardian, or to any other office of trust, without first executing a bond, with security, to be approved by the Secretary of State;

A bill (S. 4792) relative to control of dogs in the District of Columbia;

A bill (S. 6091) extending the time for making final proof in desert-land entries in Yakima County, State of Washington;

A bill (H. R. 97) to authorize the Secretary of War to furnish certificates in lieu of lost or destroyed discharges;

A bill (H. R. 5809) for the further distribution of the Reports of the Supreme Court, and for other purposes;

A bill (H. R. 7013) granting an increase of pension to James E. Freeman;

A bill (H. R. 8209) for the relief of P. A. McClain;

A bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced;

A bill (H. R. 11171) granting a pension to Elizabeth A. Nalley;

A bill (H. R. 11400) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898;

A bill (H. R. 11656) to incorporate the Society of the Army of Santiago de Cuba;

A bill (H. R. 12086) to extend the time for the construction of the East Washington Heights Traction Railroad Company;

A bill (H. R. 12549) granting an increase of pension to Ransom Simmons;

A bill (H. R. 12597) to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes;

A bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes;

A bill (H. R. 14082) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.; and

A joint resolution (S. R. 118) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Arturo R. Calvo, of Costa Rica.

#### TRIAL OF CASES IN THE COURT OF CLAIMS.

Mr. SPOONER. Mr. President, as there is no business before the Senate, as I understand, I desire to present to be read, and therefore incorporated in the RECORD, a letter from Louis A. Pradt, Assistant Attorney-General.

Before sending the letter to the Secretary's desk, I ask unanimous consent to say just a word about it. On the 3d of June the Senator from Connecticut [Mr. PLATT], who is a great Senator, who in a distinguished career has rendered incalculable service



to the people of the United States, and who is an absolutely just man, was led to make some observations which I thought reflected upon the manner in which the interests of the Government were attended to in the Court of Claims by the Department of Justice. I know there is no one who would be less willing to do an injustice to another than my friend from Connecticut. At the time I took occasion in a mild way to protest against the imputation, which I thought followed upon the Senator's remarks, upon Mr. Pradt, who represents the Government in the Court of Claims. I have known him for many years, and I know him to be not only an able lawyer, but an honest man and a very painstaking official.

Mr. Pradt on the 5th of June sent this letter to me, which I send to the Secretary's desk, and ask that it may be read.

The PRESIDENT pro tempore. Is there objection to reading the paper which the Senator sends to the desk? The Chair hears none, and the Secretary will read it.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,  
Washington, D. C., June 5, 1902.

Hon. JOHN C. SPOONER,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: My attention has been called to certain remarks made in the Senate yesterday by Senator PLATT of Connecticut, found in the CONGRESSIONAL RECORD for the 4th instant, on pages 6696 and 6699, relating to the trial of cases in the Court of Claims. There is one statement which was thus made by Senator PLATT which I think demands a reply from me, as I am charged with the defense of all suits in the Court of Claims except those based upon Indian depredation claims, of which Assistant Attorney-General Thompson has charge. It is this (speaking with reference to claims referred to the Court of Claims, and especially what are known as "Indian" claims): "So the matter goes upon request. Then an ex parte statement, which has been carefully and skillfully prepared by the attorneys, is submitted to the Court of Claims. It is true that the Attorney-General is directed to appear and make defense, but that defense is usually perfunctory, and the Court of Claims renders judgment practically upon an ex parte hearing of the case."

I feel warranted in considering this a very serious allegation, despite the fact that the honorable Senator thereafter disclaimed any intention upon his part to "reflect upon the ability or diligence of anyone connected with the Attorney-General's Department who is charged with the duty of defending these cases in the Court of Claims."

I can not understand upon what grounds the honorable Senator acquits me and my associates of any fault in this matter, if the charge is true. In my opinion, the allegation, if true, reflects unavoidably and most seriously, not only upon the capacity and integrity of the officials of the Department of Justice charged with the defense of suits in the Court of Claims, but also upon the Court of Claims itself. Happily for all concerned, however, the honorable Senator is wholly mistaken. There is not even a shadow of foundation for the statement made. I have never known or heard of an instance in which the court ever accepted, in any case before it, any ex parte testimony of any kind, either in favor of the claimant or of the United States. This rule of procedure governs even what are called the "Bowman Act" cases, as the court has explicitly decided in *Allen v. The United States* (28 C. Cls. R., 141).

It is true that claimants present their cases to the court with as much skill and plausibility as possible, but this is done through a petition, and the Court of Claims requires the allegations therein contained to be proved as conclusively and as much in accordance with the rules of evidence as would be required in the premises by any other court. In other words, the Court of Claims is a judicial court, and not a commission, and it is rigorously governed in its procedure by the rules of the common law, except in those instances where Congress itself has provided otherwise by explicit statute.

As bearing upon the allegation that the defense of cases in the Court of Claims is usually perfunctory, I would refer, by way of illustration, to the facts set forth in my last report to the Attorney-General. During the year 1901 this office tried 158 general jurisdiction cases. In 33 of these judgments was for the United States, the amount claimed being \$1,745,255. In 125 cases, claiming \$825,358, judgments were rendered for the claimants, the amount recovered being \$233,890.

In what are known as "Congressional" cases coming to the Court of Claims under the "Bowman" and "Tucker" acts, the whole number of cases disposed of was 2,220. Of these there were dismissed 2,114; the amount claimed in 1,604 of them (no amounts being stated in 510 cases), was \$5,896,220. In 6 cases judgment was rendered for the defendants, the amount claimed being \$17,538. The claimants recovered in 100 cases, the amount claimed in them being \$2,311,978 and the amount awarded \$499,053.

During the same year three departmental cases were determined by the court, being the claims of the States of Maine, New Hampshire, and Pennsylvania. To these cases I gave my personal attention. The amount claimed in them was \$2,860,000, and the amount recovered was \$350,000.

But as the remarks of Senator PLATT seem to be especially directed to "Indian cases," I call attention to the fact that as shown by my report above referred to there were three of these cases tried and determined by the Court of Claims during the past year, and in each of them judgment was rendered in favor of the United States. One of these was a case of extraordinary importance, involving millions of dollars, and requiring the attention of one of my assistants for several months.

Finally, I note that the honorable Senator makes the following specification:

"I know of one case sent to the Court of Claims last year which involved millions of dollars, where a subcommittee of the Committee on Indian Affairs had investigated it with great care and had discovered documents and records which seem to sustain the Government side of the case. The case was tried. The direction of the committee was that all the papers and documents which had been collected should be placed in the hands of the Attorney-General, but it turned out that in some way they never reached him, and those defenses which the Committee on Indian Affairs had so carefully and laboriously discovered never were applied to the case at all."

The case thus referred to has not yet been tried, but is now pending in the Court of Claims. The assistant attorney to whom the case was assigned spent ten weeks last summer in the taking of testimony in the case. He has had several consultations with members of the Committee on Indian Affairs of the Senate, and has received from them all information regarding the case that could possibly be thus obtained. In preparing the defense he has made use of all the documents relating to the case which were sent to this Department by that committee. It is true we have been informed by one distinguished member of the committee, who has been of invaluable help to us in the case, that certain documents had disappeared from the files of the case before the

same was transmitted to the Court of Claims, and that they could not be found; but that is an incident which, I take it, Senator PLATT would scarcely charge to the Department of Justice. The assistant in charge of this case has been engaged for two or three weeks past in preparing his brief, which in point of length is certainly not perfunctory, as it will contain over 200 printed pages. I shall take the liberty of sending a copy of this brief when it is completed to Senator PLATT, in order that he may make certain that the case has not been tried upon ex parte evidence, and that the defense has not been lacking in vigor.

Yours, very respectfully,

LOUIS A. PRADT,  
Assistant Attorney-General.

PAYMASTER JAMES E. TOLFREE.

Mr. BURTON. I ask unanimous consent for the present consideration of the bill (S. 5724) for the relief of Paymaster James E. Tolfree, United States Navy. I do this at the instance, first, of the senior Senator from California [Mr. PERKINS], a member of the Committee on Naval Affairs, and also of the senior Senator from Maine [Mr. HALE], both of whom, I understand, are serving on a conference committee, and so can not be present. A similar bill has, I think, heretofore passed the Senate.

The PRESIDENT pro tempore. The bill will be read in full for the information of the Senate.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to James E. Tolfree, paymaster, United States Navy, the sum of \$4,000, said sum to be a payment in full for all losses of both Government and personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

Mr. PLATT of Connecticut. I should like to inquire of the Naval Committee or of some other committee whether the liability of the Government is accepted whenever there is a fire or accident by which an officer in the naval or military service loses some property? I have noticed at this session a good many bills which seem to proceed upon the idea that if a person in the Government service, either in the Army or the Navy, loses property by means of fire, shipwreck, or other accident, the Government is liable and must make good such loss. I do not understand that in the ordinary case of loss of property by officers the Government is under any obligation whatever to make good their losses, unless it be certainly shown that there was some negligence on the part of the Government or perhaps of some of its employees, which makes the Government liable.

I do not like to admit by the passage of such bills that every person connected with the Army or the Navy, or even in the civil employment of the Government, is to be reimbursed for any damages he may sustain by accident whereby he loses property while in the Government service.

Mr. MITCHELL. I will state to the Senator from Connecticut that the rule adopted years ago in the Committee on Claims of this body, when I served on that committee, went even further than the Senator has stated. Even where there was negligence on the part of employees of the Government it was held that would not make the Government liable.

Mr. PLATT of Connecticut. This bill makes no discrimination whatever, if I caught the reading of it aright. It seems to proceed upon the idea that because there was an accident, a fire, in which an officer lost some property, the Government is to reimburse him. I wish the bill might be again read.

The PRESIDENT pro tempore. The bill will be again read.

The Secretary again read the bill.

Mr. COCKRELL. I want to call the attention of the Senator from Connecticut to the fact that this seems to be a double-barreled bill. It proposes to pay this officer for his own property and also to pay him for Government property.

Mr. LODGE. He is already reimbursed for that.

Mr. PLATT of Connecticut. I can easily see that if a paymaster was intrusted with funds, with money of the Government, and that money was destroyed by fire, the officer ought not to be held accountable for it.

Mr. MITCHELL. Unless the loss was occasioned by his own negligence.

Mr. PLATT of Connecticut. But this bill proposes to reimburse him for both Government property and his own personal property destroyed in a fire—there may be a report stating all the circumstances of the fire—where we do not have in the bill anything stated showing the liability of the Government. Is there a report accompanying this bill?

The PRESIDENT pro tempore. There is a report.

Mr. PLATT of Connecticut. I should like to have the report read.

The PRESIDENT pro tempore. The report will be read.

Mr. PLATT of Connecticut. The report may give some explanation which will establish the liability of the Government.

The Secretary read the report submitted by Mr. HALE on the 4th instant, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 5724) for the relief of Paymaster James E. Tolfree, United States Navy, having considered the same, beg leave to report that a like bill was favorably re-

ported by your committee in the Fifty-fifth Congress, second session, passed the Senate, and was favorably reported to the House, but failed of action therein.

Your committee again recommend the passage of the bill and adopt as their report that previously submitted in the Fifty-fifth Congress, second session, as follows:

[Senate Report No. 412, Fifty-fifth Congress, second session.]

The Committee on Naval Affairs, to whom was referred the bill (S. 1212) for the relief of Paymaster James E. Tolfree, United States Navy, having considered the same, recommend its passage, and adopt as their report that previously submitted on a like bill and appended herewith.

[Senate Report No. 404, Fifty-first Congress, first session.]

The Committee on Naval Affairs, to whom was referred the bill (S. 2775) for the relief of Paymaster James E. Tolfree, United States Navy, having had the same under consideration, beg leave to submit the following report:

A bill of this same character and identical in its provisions was considered by this committee during the first session of the Forty-ninth Congress, and favorably reported to the Senate on June 3, 1886. The committee are still of the same opinion, and report the bill without amendment with the recommendation that it do pass, and append hereto and make a part of this report the former report made on June 30, 1886.

The bill also passed the Senate in the Fiftieth Congress.

[Senate report No. 1421, Forty-ninth Congress, first session.]

The Committee on Naval Affairs submit the following letter as the committee's report on Senate bill 2399:

U. S. FLAGSHIP TRENTON,  
Yokohama, Japan, March 8, 1886.

SIR: In obedience to your order of the 5th instant we have the honor to report as follows: Paymaster James E. Tolfree having been ordered to join the *Trenton* at this place, and arriving several days before the *Trenton*, had taken up his quarters at the Windsor.

Upon the arrival of the *Trenton*, on the afternoon of the 7th ultimo, Paymaster Tolfree reported for duty on board, but being unable to occupy his quarters, Paymaster Lyon not having been detached, he returned to the Windsor House. At a little past 4 on the morning of the 8th ultimo the Windsor House was discovered to be on fire. Paymaster Tolfree, upon awakening, found his room full of smoke and lighted by flames from the fire, which was in an adjoining room. Hastily throwing on a few clothes he rushed into the hotel corridor to arouse the inmates of the other rooms.

In ignorance of the extent of the fire, stopping to take nothing but two small handbags from his room, he tried to render what assistance he could to clear the hotel of guests, who were dazed by the smoke. After going downstairs he went to the trunk-room, where most of his luggage was stored, and endeavored to drag therefrom a box containing books and blanks, the property of the United States, as well as the pay rolls, final returns, and other papers appertaining to his last quarterly accounts as paymaster of the U. S. R. S. *Vermont*. This box was too heavy for him to handle alone; he could obtain no assistance, and was finally driven by the flames to relinquish his attempt to save the property.

The flames were so rapid in their advance that there appears to have been little time to look to the saving of anything but human life. We learn that several of the inmates of the house barely escaped with their lives. That the contents of the box above mentioned were entirely destroyed there can be no doubt, and we are of the opinion that Paymaster Tolfree should be held free from blame for their loss, both as to their being at the hotel and as to his failure to save them from the flames.

The following is a list of the public property destroyed, so far as can be ascertained from Paymaster Tolfree:

One book containing 50 sets blank bills of exchange, with accompanying letters of advice, blanks, etc.

Pay officers' pay rolls, books, blanks, etc. Book containing complete set of Navy Department circulars, book of instructions, pay tables, naval registers, etc. Rough pay rolls, final returns, etc., appertaining to accounts of R. S. *Vermont* and U. S. S. *Dispatch*.

Paymaster Tolfree was accompanied by his clerk, Mr. Charles Blake, who had also reported for duty on board the *Trenton*, and who had under his charge a few books and pamphlets belonging to the United States, which were destroyed. The entire outfits of Paymaster Tolfree and Pay Clerk Blake for three years were stored at the hotel and were destroyed.

Very respectfully,

ASA WALKER,  
Lieutenant, U. S. N.  
WM. T. SWINBURNE,  
Lieutenant, U. S. N.  
THEO. B. M. MASON,  
Lieutenant, U. S. N.

Rear-Admiral JOHN LEE DAVIS, U. S. N.,  
Commanding U. S. Naval Force on Asiatic Station.

Approved.

JOHN LEE DAVIS, U. S. N.,  
Commanding U. S. Naval Force on Asiatic Station.

U. S. FLAGSHIP TRENTON (2d rate),  
Yokohama, Japan, March 8, 1886.

SIR: I have the honor to inform you that after having, in obedience to orders from the Navy Department, reported to you for duty on the arrival of the *Trenton* from Nagasaki, Sunday afternoon, February 7, 1886, I returned for the night to the Windsor House, where my luggage was stored, there being no quarters for me on board until Paymaster Lyon could transfer accounts.

That night, a few minutes after 4 o'clock, the hotel was found to be on fire. The wind was blowing in such a way at the time as to cause the flames to speedily envelop the building, leaving the occupants only opportunity to escape, and giving them little chance to save property.

The hotel building was completely obliterated, and, in addition to losing my entire outfit provided for a three years' cruise, I had the misfortune to lose a quantity of Government books and blanks, including one book containing fifty sets blank bills of exchange intended for use on this station, besides the pay rolls, final returns, etc., appertaining to my last quarterly accounts of the U. S. R. S. *Vermont*.

The above-mentioned books, blanks, returns, etc., were packed together in one large chest, which I endeavored to drag out of the burning building, but from its weight was unable to do so.

Accompanying me in the hotel was Charles Blake, pay clerk, United States Navy, who had reported with me for duty the day before, and who also lost his entire outfit, saving only the one suit in which he escaped from the building.

In view of these facts I deem it my duty to ask that proper steps may be taken to relieve me from the responsibility for these serious losses, and also

to account for my being out of the ship after having reported for duty under your command.

I am, sir, respectfully, your obedient servant,

JAMES E. TOLFREE,  
Paymaster, United States Navy.

Rear-Admiral JOHN LEE DAVIS, U. S. N.,  
Commanding United States Naval Force on Asiatic Station.

Mr. PLATT of Connecticut. Nothing appears in the report to determine the value of the property lost by this officer. There is no suggestion as to the amount or value of the property. There is no inventory whatever. There is nothing to show that the Government is in any way liable for this loss, except that he was ordered to report to the *Trenton*, which was lying in the harbor, and that he did not find the proper quarters on the *Trenton* and so went to a hotel. I think I shall object to the bill.

The PRESIDENT pro tempore. The bill is objected to.

Mr. BURTON. I simply wish to state that I know nothing at all about the bill, and only called it up, as I said, at the request of the chairman of the Naval Affairs Committee and another member of that committee.

Mr. SPOONER. A few days ago the Senate passed a bill for the relief of Capt. James F. McIndoe, an officer of the Engineer Corps, who had lost his property by fire while endeavoring to save the property of the Government. I called attention to the case, and challenged it. In that report it was stated:

The law authorizing a recovery in cases of this character provides that the proper officers of the Treasury shall "determine the value of the private property belonging to officers and enlisted men in the military service of the United States which has been, or may hereafter be, lost or destroyed in the military service, under the following circumstances:

"First. When such loss or destruction was without fault or negligence on the part of the claimant."

"The second item has no application to this case."

"Third. Where it appears that the loss or destruction of the private property of the claimant was in consequence of his having given his attention to the saving of the property belonging to the United States which was in danger at the time and under similar circumstances."

There seems to be some statute upon the subject. I remember several cases of this kind which have been acted upon favorably. I have not looked up the statute. I endeavored to find it in the index, but I could not. Perhaps the Senator from Connecticut will be able to find it.

Mr. BEVERIDGE. The bill has been objected to.

Mr. SPOONER. I know it goes over, but it ought not to go over if it is a just measure.

Mr. PLATT of Connecticut. There is nothing here to show how much property or what the value of the property was that was lost.

Mr. SPOONER. That is another thing.

Mr. PLATT of Connecticut. We ought to be informed on that subject.

Mr. SPOONER. I was not objecting to the bill going over, but I simply wanted to call the attention of the Senator to the facts which I have stated.

The PRESIDENT pro tempore. The bill will go over.

#### CERTAIN NEW MEXICAN BONDS.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 14383) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds. I thought the Senator from Tennessee [Mr. BATE] was in the Chamber. He objected to the bill the other day.

Mr. BERRY. I will ask the Senator from Indiana whether this is the bill to which the Senator from Tennessee objected?

Mr. BEVERIDGE. It is, and I sent for the Senator from Tennessee some little time ago. The Senator from Colorado [Mr. PATTERSON] is now present. I will say to the Senator from Colorado that I have just asked consent for the consideration of the House bill 14383, to validate certain acts of the Territory of New Mexico with reference to the issuance of certain bonds for the building of buildings for the insane asylum and two educational institutions, and devoting to the payment thereof the revenues from land. Perhaps the Senator from Colorado remembers it.

Mr. PATTERSON. No; I was at the meeting of the committee when the measure was considered, and in the absence of the Senator from Tennessee, who objected to the bill when it was called up once before, I object to its present consideration, because I know he desires to have the objection entered.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

Mr. BAILEY. Mr. President—

Mr. BEVERIDGE. I have the floor, and I wish to retain it for a moment. Does the Senator from Texas desire to be heard on this matter?

Mr. BAILEY. Not on the bill which has just gone over.

#### MARICOPA COUNTY, ARIZ.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (S. 5422) authorizing the county of Mari-



copa, Territory of Arizona, to issue bonds for the construction of reservoirs and dams for water storage, and for other purposes.

Mr. BAILEY. I rise to a point of order. The Senator from Indiana said he had the floor. Of course he could not get it on one bill and, that being objected to, hold it for others. I make no point, however.

Mr. BEVERIDGE. I am very much obliged to the Senator for the information. I had a brilliant example the other day when the Senator held the floor and yielded to other Senators.

Mr. BAILEY. I did not—

Mr. BEVERIDGE. I will not have any controversy with the Senator. I am satisfied he is correct. I ask unanimous consent for the consideration of the bill named.

Mr. PATTERSON. This is a very long bill, and will occupy quite a time in its reading. It is a bill which provides for the issuance of two and one-quarter million dollars of bonds for local improvements in one of the counties of Arizona. It is a measure which ought to receive very full consideration by the Senate, and for that reason I object, if I may, before the reading of the bill in full.

Mr. BEVERIDGE. If the Senator desires to make objection upon that ground, of course I will not take the time of the Senate in having the bill read.

Mr. PATTERSON. I would object to it in any event.

Mr. BEVERIDGE. Is that the only ground upon which the Senator objects? The truth about it is that it is a bill upon which the immediate progress and prosperity of the people of Arizona, in the increase of population, and even in retaining the population they have down there, seriously depend, and I had hoped that the Senator would join with me in an effort to extend this much-needed and earnestly-prayed-for relief.

#### DISTRICT STREET RAILWAYS.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its 11th street line, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered one, and agree to the same with an amendment as follows: "In lieu of the proviso proposed to be inserted by the Senate amendment, insert: 'Provided, That until the line of railroad on 11th street is further extended, cars may be switched on 11th street between Whitney and Lydecker avenues; and *Provided further*, That until provision is made for a further extension of the line of the Metropolitan Railroad Company on Old 16th street cars may be switched on Old 16th street between Grant and Park streets," and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered two and agree to the same.

Number the sections consecutively.

J. H. GALLINGER,  
H. C. HANSBROUGH,  
*Managers on the part of the Senate.*  
J. W. BABCOCK,  
SYDNEY E. MUDD,  
*Managers on the part of the House.*

The report was agreed to.

#### BEILINBERG AGAINST SCOTT.

Mr. BAILEY. As there seems to be no important and pressing matter before the Senate, I ask the Chair to lay before the Senate the resolution calling upon the Secretary of State for certain papers, a resolution which I introduced a few days ago.

The PRESIDENT pro tempore laid before the Senate the resolution submitted by Mr. BAILEY on the 23d instant, as follows:

*Resolved by the Senate of the United States, That the Secretary of State be, and he is hereby, requested to transmit to the Senate all of the papers in the case of Beilinger against Scott, including all communications sent to and received from the ambassador of the United States to Mexico in respect to the same.*

Mr. BAILEY. Mr. President, for several months I have been striving to protect, through the State Department, the right of an American in Mexico, but instead of the prompt and cordial co-operation which I had a right to expect from the officers of this Government I have encountered such delays and such hindrances as have forced me to conclude that those in charge of this matter are either grossly incompetent properly to perform their duties or else they are shamefully indifferent to the rights of an American citizen in a foreign land. In order to be as brief as possible, I will barely recite the facts which make it desirable to have these papers.

Several years ago a Mr. Scott, who was formerly a resident of Texas, obtained an option on a large tract of land in Mexico. The option was purely a speculative one, Scott having no means to conclude for himself a purchase involving such a large amount, and he contracted with Beilinger and others, or at least contracted with men through whom Beilinger derives his claim, that if they would find a purchaser for this land on which he held an option he would give them a certain commission.

In pursuance of this contract, these people sought and found what was at one time supposed to be a purchaser. The price and

terms were agreed upon; but this purchaser was either unwilling or unable to conclude the transaction, and it fell to the ground.

Afterwards Dr. Scott, for himself, and without any assistance or suggestion from these parties with whom he had formerly contracted, found a purchaser for this land, and consummated the sale of it to that purchaser whom he had found. A part of the consideration was a deferred payment due to Scott himself; and when this debt matured the party, having, it is charged, colluded with Beilinger, instead of searching for Dr. Scott and paying the money to him, according to his contract, attempted to deposit it in a bank to Dr. Scott's credit, so that Beilinger could attach it, and when it was deposited the officer who accompanied Beilinger levied upon it. The money was turned over to Beilinger, who is represented as totally irresponsible in a financial way, and no bond was exacted from him for its return in case the lawsuit should be decided adversely to him and in favor of this American citizen.

The matter proceeded to a trial, and in that trial one of the main questions, indeed the most important question and the very basis of the action, was the written contract entered into in the first instance, as I have just recited. These parties, Beilinger and his associates, or Beilinger without associates, in this lawsuit, filed in the Mexican court this contract, which had originally been made and signed by Dr. Scott, as a basis of their action. In order to make the old contract meet the requirements of the lawsuit there were certain interlineations and erasures. That contract was entered into at San Antonio, Tex., and being a Texas contract, of course, should be construed according to the law of the place where it was made. Under the law of Texas these interlineations and erasures devolved upon the man who presented the contract so interlined and erased the obligation to explain them.

But contrary to that, when Dr. Scott was brought into court, it is represented to me that this procedure was had. I desire to say here that I know nothing about Dr. Scott himself, except that he was formerly a resident of Texas, and is an American citizen; but the representation is made to me by his attorney, who is as reputable a man as can be found at the Texas bar and upon whose assurance I do not hesitate one moment to rely, that in the progress of the trial, when the plaintiff, Beilinger, attempted to establish his right of action against Dr. Scott on this interlined and erased contract, Dr. Scott's attorney was excluded from the court room, and Scott himself was subjected to a rigid and persistent examination, in which they sought to confine him merely to a categorical answer to the question, "Did you sign this paper?" Of course he had signed that paper, but not in the form in which it then appeared.

Finding no protection for his rights in that country, he appealed to the American ambassador to Mexico, and Dr. Scott assures me that the American ambassador's advice to him was to leave the country. That was the protection which he said he received from the American ambassador. It would be difficult for me to believe that such advice was given by a representative of this Government to a citizen of his own country, except for the subsequent proceedings in this case.

Dr. Scott, through his attorney, then appealed to the State Department at Washington, and the American ambassador was called upon to send the papers here, or he may have sent them before that call. Among those papers was a copy of this interlined and erased contract, and the Senate will share my amazement when I say that the copy of the contract as originally sent to the State Department by the American ambassador to Mexico did not bear a trace of either erasure or interlineation, and yet the interlineations and erasures were the very issue in the case.

When Dr. Scott told me that that document was transmitted in that form by the American minister, I doubted his word, and I told him to go to the State Department and procure a copy of it for me. He went to the State Department and the State Department declined to furnish him a copy of that paper, stating that he wanted to use it against the American ambassador to Mexico.

If anything could have increased my amazement, that action of the State Department did, and I thereupon addressed a letter to the Secretary of State, or, to be exactly accurate, I first required Dr. Scott to write me a letter stating this refusal on the part of the State Department to furnish him with a copy of that document.

I then wrote to the State Department, calling for an explanation as to how it could happen that an American citizen was refused a copy of a paper in a case in which he had been compelled to appeal to the State Department for its protection. The State Department replied, not denying that they had refused this copy to Dr. Scott, nor denying that they had refused it upon the ground that he wanted it for use against the American ambassador, against whom charges were then pending, those charges not having been preferred by Dr. Scott, but by another American citizen,

who felt that his rights had not been properly protected by the American ambassador to Mexico.

In the letter replying to my first letter to the Secretary of State I was reminded by the Solicitor of the State Department that I had refused to introduce Dr. Scott at the White House or at the State Department; and that was true. But it was distinctly stated to the State Department that my refusal was not based upon anything I knew that might reflect upon the character or conduct of Dr. Scott, but was purely because I did not know enough about him to vouch for what he might say. But I stated both to the President of the United States and to the State Department that I did know the attorney of Dr. Scott and that I did not hesitate to assume responsibility for any of his statements.

After this attorney for Dr. Scott had remained here for more than six weeks trying to secure from the State Department an instruction to the American ambassador to indicate to the Government of Mexico that upon the facts then in possession of the State Department this Government thought Dr. Scott had a right to complain of his treatment in the Mexican courts, we finally prevailed upon the Secretary of State, or rather upon the Solicitor of the State Department, for the whole transaction was with him, to issue an instruction to the American ambassador to Mexico embodying that statement.

That instruction was sent over two months ago. About twenty days ago I received a communication from the attorney for Dr. Scott, stating that the American ambassador to Mexico had sent a communication to the Government of Mexico, but had pre-terminated all reference to this vital point of his instructions, to obtain which Dr. Scott's attorney had remained in this city over two months.

Mr. CARMACK. Did the Senator see the copy of the contract?

Mr. BAILEY. I did not. When this attorney drafted an instruction and the Solicitor of the State Department had about agreed to accept it and transmit it, he then refused to do it. I then went with the attorney for Dr. Scott to the State Department, and we finally agreed upon an instruction, which was sent; and though that instruction was deemed so important by the Solicitor for the State Department that he doubted for two months about giving it and finally gave it in a modified form, yet I have in my desk a copy of the communication of the American ambassador to the Mexican authorities, and there is no single reference to that part of the instruction.

Receiving this, my amazement still increased; and I filed with the State Department a copy of their own instructions to the American ambassador, accompanied by a copy of the American ambassador's communication to the Mexican minister, and asked the State Department to take some action. After waiting for ten days I received a telegram from Dr. Scott's attorney asking me what action the State Department had taken. The next morning after receiving that telegram I went to the State Department and was told that they had taken no action at all.

When I began to complain about their delay and hindrances and their lack of sympathy with the effort to protect the rights of this American citizen, the Solicitor for the State Department then began to instruct a young man in the office to bring in certain papers in the case. I rose and said, "Mr. Solicitor, I will not examine those papers here. I want to see all the papers in this case. I will not see some of them by your grace. I will go where I think there is power to have these papers brought." That is the reason why I have introduced this resolution, so that the Senate may be in full possession of the facts.

Now, Mr. President, all of the matters that I have stated are not within my knowledge, of course. Some of them I have stated upon representation to me, and I have not stated half that has been represented to me. If all that has been told to me were to be retold by me to the Senate, then the American ambassador, if these charges could be sustained, would be instantly recalled. I am not yet willing to become responsible for asking the Senate to take any steps which might lead to that extreme, but I do say that when the Senate is in possession of all these papers, and when all these facts are developed and vouched for in a proper way, if one-half of what has been represented to me is true, I shall present resolutions here which will demand the recall of the American minister to Mexico and compel the Solicitor of the State Department to resign his place.

I will go so far as to say that the people interested with Dr. Scott charge that one of the reasons why the American ambassador to Mexico has not been more prompt and vigorous in protecting the rights of Dr. Scott is that some of the people identified with Beilberg in the prosecution of this lawsuit are connected with the American ambassador in a mining enterprise in Mexico. That he is connected with a mining enterprise, and is a director in that Mexican corporation, can be abundantly proved by the records both in that country and in this.

Mr. SPOONER. I was not in the Chamber, and may I ask the

Senator to state in a word the instruction which he alleges the ambassador omitted.

Mr. BAILEY. The instruction was this, that he should inform the Government of Mexico that with all the facts then before it the State Department believed that Dr. Scott had a just ground for his complaint against his treatment in Mexico. Now, that may not appear so very important except when you consider that in a diplomatic correspondence it is a fairly strong statement, though not so strong as I believed they were entitled to have.

I was not able to decide for myself during these two months of tedious intercession at the State Department whether the State Department did not care or did not know what was right in the matter. It is certain that we could never get the solicitor of the State Department to go to the bottom of the law question. He would hesitate and he would doubt. When we would say the law was this, he would not say it was not, nor would he accept our statement that it was. But throughout those two months, when that citizen of the United States, representing another citizen of the United States, was compelled to wait in this city, he never got a direct and satisfactory answer to any proposition from the State Department.

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Texas yield to the Senator from Indiana?

Mr. BAILEY. Certainly.

Mr. BEVERIDGE. Let me ask the Senator this question: Did the State Department or the Solicitor give the Senator any reason for not furnishing him the papers or any reason why the Department took no action?

Mr. BAILEY. No, sir. The reason they did not furnish Dr. Scott with a copy of the paper which he applied for at my request—because I doubted if his statement to me was correct—was that he wanted to use that paper against the American ambassador. As I stated a while ago, it will be borne in mind that charges had been made against the American ambassador to Mexico. Whatever became of those charges I am not advised. I went to the State Department and volunteered that when they were ready to take them up I knew some facts that I would be glad to put in their possession.

I made the same statement to the President of the United States in the presence of the Senator from Kansas [Mr. BURTON], and yet in the face of that voluntary offer on the part of a Senator in the Congress of the United States to furnish them with such information as he might possess, the American ambassador to Mexico came to this city and seemed to have satisfied the authorities of the State Department, and from that day to this I have never been invited to tell them anything I knew, but on the contrary the effort has been to keep me from knowing anything more than I had already found out.

Mr. BEVERIDGE. I understood the Senator to say that he had not been permitted to examine all the papers in this case, and if that were true I wanted to know whether the State Department just simply denied him that request autocratically without giving any reason for their denial.

Mr. BAILEY. The Senator states that more strongly than I did. I did not say that I had been denied the opportunity to examine them myself. I stated that I went to the Solicitor's office the other morning to inquire what they had done in reference to the ambassador's refusal to communicate this most important part of his instruction to the Mexican authorities, and while there, instead of sending for all the papers in the case they began to instruct a messenger to get particular papers in the case, and I declined then and there to examine the particular papers for which the Solicitor was sending, and declared that I intended to see that whole file of papers, including the instrument, an incorrect copy of which was sent to the State Department.

Mr. BEVERIDGE. The question which I addressed to the Senator is whether or not the State Department or any official thereof, the Solicitor or others, refused to give him reasons for the acts or omissions of which he now complains. Did they give no reasons for their action?

Mr. BAILEY. The reason they gave for not protesting against the American ambassador's delinquency was that they were satisfied he was right and was acting for the best interest of all concerned. I was not able to determine, when they used the expression "for the best interest of all concerned," whether they referred to this American, Dr. Scott, or referred to the Mexicans who were interested with the ambassador in the mining enterprise.

Mr. FAIRBANKS. I was engaged in conversation when the Senator began his remarks, and I only caught a moment ago some reference to the action of the Solicitor of the State Department.

Mr. BAILEY. Yes, sir; and I desire here and now to say that I include him distinctly in the description I first gave of one who was either grossly incompetent to perform his duties or shamefully indifferent to the rights of an American citizen.



Mr. FAIRBANKS. Those are general statements.

Mr. BAILEY. No; I make it particular and apply it to the Solicitor of the State Department.

Mr. FAIRBANKS. Of course, it is well to get at the truth, and the Senator does not desire to do anything else. I happen to know the Solicitor of the State Department. He is a very able lawyer, a man of the very highest character, as conscientiously devoted to his duty as the Senator or any other Senator upon the floor is to his. I wish to find out, in order that no injustice may be done, just what the specific charges are which the Senator has to make. He may have stated them already.

Mr. BAILEY. I stated most distinctly than an American citizen went to the Solicitor of the State Department asking for a copy of the paper which had been filed there in this citizen's own case.

Mr. FAIRBANKS. When?

Mr. BAILEY. And that the Solicitor of the State Department declined to furnish him with a copy and assigned as a reason that this citizen wanted to use that paper against the American ambassador.

Mr. FAIRBANKS. On what date was that, if the Senator will please state?

Mr. BAILEY. I have the letters in my possession. I would not undertake to state the date, but I have the letter from the State Department in which they state practically that what Dr. Scott alleged was true.

Mr. FAIRBANKS. I think it would be well for the Senator to state what official in the State Department furnished him this letter and not to make any wholesale charge against the State Department.

Mr. BAILEY. I have stated as distinctly as I could that this whole transaction was with the Solicitor of the State Department. He is the man who refused to furnish the copy; he is the man who finally gave the instruction that the American ambassador refused to execute, and he is the man who, when his attention was called to the refusal, or the failure of the American ambassador to countenance the instruction of the State Department, made excuses for the failure.

Mr. HALE. Will the two Senators yield to me for a moment that I may submit a conference report?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Maine?

Mr. BAILEY. Yes, sir.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, recedes from its disagreement to the amendment of the Senate numbered 34, insists upon its disagreement to amendments numbered 9, 26, 81, 82, 87, 88, 90, 91, 93, 99, and 116, upon which the committee of conference were unable to agree, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON managers at the conference on the part of the House.

#### NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two houses on the amendment of the Senate numbered 91 to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free conference have been unable to agree.

EUGENE HALE,  
GEORGE C. PERKINS,  
*Managers on the part of the Senate.*  
GEORGE EDMUND FOSS,  
R. W. TAYLER,  
ADOLPH MEYER,  
*Managers on the part of the House.*

The report was agreed to.

Mr. HALE. I move that the Senate insist upon its amendment still in disagreement and ask for a further conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. PERKINS, and Mr. TILLMAN were appointed.

#### DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask unanimous consent that upon the conference on the deficiency appropriation bill, owing to the absence of the Senator from Colorado [Mr. TELLER], the Senator from Missouri [Mr. COCKRELL] supply his place, and the House be notified.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the Senator from Colorado [Mr. TELLER],

being absent from the city and a conferee on the deficiency appropriation bill, may be excused from further service on the committee, and that the Senator from Missouri [Mr. COCKRELL] be appointed in his place. Is there objection? The Chair hears none. The Senator from Missouri is appointed a conferee in the place of the Senator from Colorado, and the Secretary will please notify the House of Representatives of the change.

#### BEILINBERG AGAINST SCOTT.

The Senate resumed the consideration of the resolution submitted by Mr. BAILEY on the 23d instant, requesting the Secretary of State to transmit to the Senate all of the papers in the case of Beilinger against Scott, including all communications sent to and received from the ambassador of the United States to Mexico in respect to the same.

Mr. FAIRBANKS. If I may tax the kindness of my friend a moment more, I should like the Senator to give, if he will, about the date when he first made this application to the Solicitor of the State Department. I ask for the reason that he has made a grave charge, and knowing the Solicitor of the State Department as I do, I have no doubt whatever that he can justify in the fullest degree his position. In order that he may do so, I wish that the Senator would be as specific as to the time when he made the application as he can.

Mr. BAILEY. Mr. President, it is not important as to the time when. The important question is, was the application made? But I will say, for the information of the Senator from Indiana, that it must have been two months, or possibly three months ago. Does the Senator mean the application for the instruction or does he refer to the application for the paper?

Mr. FAIRBANKS. I did not know of two applications. As I said, I did not hear the Senator's statement.

Mr. BAILEY. One application was made by Dr. Scott himself for a copy of a paper which had been transmitted to the State Department by the American ambassador to Mexico. The paper was the basis of a lawsuit in Mexico. It bore certain interlineations and erasures, which, according to the contention of Dr. Scott and his attorneys, destroyed the prima facie value of it. The American ambassador sent a copy of that paper here without any of the interlineations or erasures. Of course, if the paper had come in that form, then the charge Dr. Scott had made against the Mexican courts for their manner of dealing with him was not supported.

When Dr. Scott told me that the American ambassador, under those circumstances, had sent a paper here bearing no traces of erasures or interlineations, I frankly say to the Senator from Indiana, as I have already said to the Senate, that I did not accept his statement, and I told him that I wanted him to procure an exact copy of that paper as it had been filed in the State Department. Upon my demand, he applied to the State Department for a copy, and the Solicitor of the State Department declined to give it to him upon the ground that Dr. Scott wanted to use the paper against the American ambassador.

Now, the imputation against the American ambassador in that refusal was quite as sharp as any I have mentioned here to-day, because if it should be true—

Mr. BEVERIDGE. Is that true?

Mr. BAILEY. Yes; it is true that he wanted to use it against the American ambassador. I wanted it myself, because my judgment is deliberate that an American ambassador who sends to the State Department at Washington a paper purporting to be an exact copy of a paper filed in a foreign court that is not a copy of that paper deserves instantly to be recalled. Is not that the opinion of the Senator from Indiana?

Mr. BEVERIDGE. Well, Mr. President, I will ask the Senator whether he knows that this paper is not an exact copy?

Mr. BAILEY. That is what I was trying to find out. I repeat, if it was sent and was not a true copy the American ambassador ought to be recalled. If it was a true copy, then Dr. Scott's representation to me was false, and I would have dismissed the whole transaction.

Mr. BEVERIDGE. What does the Solicitor of the State Department, of whom the Senator complains, say about that?

Mr. BAILEY. He said that he refused to give it to Dr. Scott because Dr. Scott wanted to use it against the American ambassador.

Mr. BEVERIDGE. Does not the Senator think if that was true, without any other facts being stated, that would be a good and sufficient reason?

Mr. BAILEY. Not at all.

Mr. BEVERIDGE. Otherwise would not the State Department and the whole diplomatic service be liable to be disorganized at any time? The Senator does not make his case complete, Mr. President, since he addressed a question to me.

Mr. BAILEY. Mr. President, I stand upon the proposition

which the Senator from Indiana has not yet answered, that if an American ambassador to a foreign country were to file in the State Department of his own country a paper purporting to be a copy of a paper filed in the court of a foreign country and the paper filed by the American ambassador was not a correct copy of the paper filed in the court of the foreign country, then he ought to be recalled instantly, unless he could prove that he had made an honest mistake.

The suggestion that the State Department might be disorganized by exposing the fact that the American ambassador filed papers purporting to be correct copies that were not correct copies does not appeal very strongly to my sense of justice or orderly procedure.

Mr. BEVERIDGE. Nor was that the point.

Mr. PATTERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Colorado?

Mr. BAILEY. I do.

Mr. PATTERSON. Were my colleague [Mr. TELLER] here, I know that he would throw some light upon at least a part of this controversy. If the Senator from Texas will yield to me long enough for me to tell what his statement would be, which I know through conversations with him, I should like to do so.

Mr. BAILEY. I will be very glad to do that, Mr. President.

Mr. PATTERSON. It relates to so much of a charge against the American ambassador to Mexico that connects him with some Mexican mining corporations.

A kinsman of the American ambassador died in Denver some two or three years ago, leaving a large estate which, by his will, was to be used for the purpose of establishing an educational institution in Denver for boys. According to Senator TELLER, a portion of that estate consisted of interests in mines in Mexico. Judge Moses Hallet was appointed the executor of the estate of Washington Clayton. He told me that Judge Moses Hallet was telegraphed to from Washington at the time the American ambassador was here to come, that he might state to the President what he knew about the connection of the American ambassador with a Mexican mine, and Senator TELLER accompanied Judge Hallet to the President that he might make that statement. Judge Hallet told me that this was, in substance, the statement that he made:

Being unable to conserve so much of the Clayton estate as was in Mexico he solicited the American ambassador, who was a kinsman of the dead man, to connect himself either, I think, as a director or as some officer with the Mexican corporation in order that occupying that position he might the better guard the Clayton interests in that property, and that the American ambassador had associated himself with that corporation at his solicitation and under those circumstances and for the purposes named. Judge Hallet having made this statement to the President he and Senator TELLER withdrew.

Now, of the matter I know nothing at all myself, but if Senator TELLER were here I know he would make this statement, or this statement in substance, for, of course, having knowledge of anything that might be under discussion in the Senate that might be of importance to it he would not remain silent. Senator TELLER having been called to his home, I simply state what I know he would state, because he so stated to me not very long ago.

Mr. BAILEY. I will simply say in reply to this statement that I have heard the same statement, that the ambassador was holding that stock as an executor. The truth is he never was an executor for that Clayton estate. The further truth is that the Clayton estate has about been distributed, and the Claytons themselves are not interested. But if it is true that the American ambassador claims to hold that as an executor he is practicing a fraud upon the corporation of which he is a director, because the by-law of that corporation expressly requires that every man, before he can be a director, shall own in his own right 50 shares of the stock.

Permit me to say that there is a good deal of meat in the suggestion that owing to his position he might the better protect the Clayton interest in Mexico. That position was not only as a director of the company, but that position was as the American ambassador, too. That is precisely the thing against which I complain—that an American ambassador shall become involved in the trade of the country to which he is accredited; so that an American citizen who comes into conflict with his associates in a business enterprise he has a right to suspect the loyal protection of the American ambassador.

Mr. PATTERSON. I simply wish to remove any misapprehension the Senator from Texas may labor under. I did not say that my colleague [Mr. TELLER] said that Judge Hallet represented that he was the executor of the estate.

Mr. BAILEY. I did not say that you said that. I said that the representation had been made, and the Senator from Iowa [Mr. DOLLIVER], whom I see in his seat, knows that that is true,

because the other day when I happened to mention something about it he said to me he held it as executor.

Mr. PATTERSON. I simply want to say, in addition, that I neither condemned nor approved of the action or the relation of the American ambassador for the simple reason that I know nothing about it. I only felt it my duty to say as much as I did because I believe that my colleague [Mr. TELLER] himself would have said it if he were here.

Mr. HANNA. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Ohio?

Mr. BAILEY. I yield to the Senator from Ohio.

Mr. HANNA. If the Senator from Colorado [Mr. PATTERSON] had not made that statement, I should have done so myself. When the American ambassador was here last spring, he being a personal friend of mine, I heard from him the story and the accusation, and I was interested somewhat in following the matter of his defense against the charges which brought him here.

He told me the whole story of his connection with this Mexican mine, which is, as the Senator from Colorado stated, that his cousin, who owned a large interest in that mine, died, and, at the request of the court or of some judge, he had accepted the position as director on that board, and that a sufficient number of shares of stock were transferred to him so that he might act in that capacity until the estate of his cousin had been closed out. It was not because he was the American ambassador, but because he was a relative, and because he was there on the spot and might have, by virtue of his position, an opportunity to do what might be necessary to be done for the benefit of the estate in closing out that interest.

That is not the only charge of that nature which has been brought against Ambassador Clayton. There was another one, that he had failed in his duty with respect to another citizen of the United States who had interests in Mexico. This same charge, that he was one of the owners of the mine, was brought forward at that time, and, necessarily, with the intention of convicting him of not doing his duty. The ambassador stated to me most emphatically—and I have no doubt of his veracity on the subject—that he never has had any interest in any Mexican mine, and that he had no other interest except what I have stated.

Mr. BAILEY. What would the Senator from Ohio say of the conduct of a man who was a director without interest in a corporation in the face of the express provision in its by-laws that he must be the owner in good faith of at least 50 shares of its stock before he could be eligible as a member of its directory?

Mr. HANNA. I do not know whether he was executor or not.

Mr. BAILEY. He could not become a director as an executor of the estate. I have examined the by-laws of the corporation itself—the El Carmen Mining Company—as they were furnished to me by a stockholder, and they expressly provide that before anyone can be a director of that corporation he must be the owner, in good faith, of 50 shares of its stock; and it is either a fraud on the corporation, or else it is a misstatement of the relation which the ambassador occupies toward the company, to claim that he owns no interest in the mining property.

Mr. HANNA. I will ask if the Senator knows whether Ambassador Clayton is a stockholder or not?

Mr. BAILEY. I do, because he could not be a director unless he was a stockholder, and I have in my possession a copy of an instrument recorded in a county of Texas, which recites the names of the directors of the company, and the Hon. Powell Clayton is one of them named in that legal document.

Mr. HANNA. Did he have on record a share of stock in his name?

Mr. BAILEY. He had to have it, or else, I say, he was practicing a fraud upon the corporation, whose by-laws expressly provide that a man must be the owner in good faith of 50 shares of stock in order to be a director.

Mr. HANNA. If he was the owner of 50 shares of stock, evidently the stock was transferred to him in order that he might act as a director.

Mr. BAILEY. Then he was not the owner in good faith and did not bring himself within the express provision of the by-laws of the corporation as to directors.

Mr. HANNA. I do not know what the Senator means by "good faith." When a man holds a certificate of stock in a company and the records of the company show he is the owner of that stock, it is nobody's business what he paid for it.

Mr. BAILEY. That is true. It is nobody's business whether he paid for it at all. But the corporation has a right to provide by its by-laws that nobody shall manage its affairs except somebody interested, and this corporation has taken that precaution. In the absence of that by-law no question could be raised about it. It is a habit, too frequent, I am afraid, that some stockholders in a corporation transfer to a man whom they wish to serve as a director a share of stock so that he can vote as they desire.



But if a corporation chooses to protect itself against that bad practice and provides that nobody shall have a voice in its affairs as a director except a man who is honestly interested in its success, it has a right to do so, and having done so, it is a fraud upon it and upon its rights for anybody to become a director who does not fulfill the requirement of owning 50 shares of stock in good faith. I am not willing to put the American ambassador in the attitude of practicing a fraud upon this mining corporation.

Mr. HANNA. I do not think anybody who knows him would make any such charge as that against General Clayton.

The Senate is now in possession of all the facts relative to the ambassador's connection with this mining company and the purpose for which he connected himself with it. That question does not enter at all into the case presented by the Senator, as I understand, except as an attempt to throw upon the character and integrity of the ambassador a cloud of suspicion that he has done something that he had no right to do in that case, and hence he might do something wrong in this case.

I have but one more word to say about this matter. As I have said, I heard this whole story at the time when the ambassador was here. I knew that he had reported to the State Department and that he had laid open to investigation before that Department the whole transaction—the transaction in which the Senator is interested—but, after thorough investigation, the ambassador was entirely exonerated by that Department of having committed any act for which he could be criticised, and he was given a clean sheet.

Mr. BAILEY. Mr. President, in reply to that I want to say that the man who filed the charges against the ambassador was not invited to appear before either the President or the State Department. Talk about the question having been fairly investigated, when the very lawyer who filed the charges was never invited to produce any kind of proof, and when a Senator, who had volunteered to furnish information in his possession was never invited to come with written or verbal word to support his belief in the unfitness of this ambassador, the charge that the matter has been investigated scarcely deserves to be answered.

The attorney who preferred these charges was not the attorney in the Beilinberg-Scott case, but he was the attorney in the case of Mealey, an American citizen in Mexico who claims that he was denied proper assistance by the American ambassador.

Mr. BURTON. I desire to interrupt the Senator, if he will allow me for just a moment.

Mr. BAILEY. Certainly.

Mr. BURTON. I think it proper to say that at the time the Senator spoke with the President I happened to be in the room, but at that time, although I had some friends who were interested in Dr. Scott, I was not paying particular attention. My understanding was, however, that the Senator handed the President some papers.

Mr. BAILEY. No; I did not. I made the statement that I say I made in your presence, and afterwards discussed it with you.

Mr. BURTON. If the Senator will allow me—

Mr. BAILEY. The Senator from Kansas did not go there for the purpose of having anything to say against the ambassador to Mexico—I grant that—but the Senator from Kansas stood within 2 feet of me when I made that statement to the President, and the Senator from Kansas knows it. I want to say that I have no desire to involve the Senator from Kansas in this matter, but having made this statement that I volunteered to furnish the information in my possession, and in view of the fact that it is said the whole thing has been tried, I repeat my statement that I made this remark in the presence of the Senator from Kansas.

I have no desire, of course, to draw him into a controversy with the American ambassador to Mexico or with the Administration, and I know he has no desire to be drawn into that, but the Senator from Kansas must understand that my statement is very much more to me than any question of etiquette between him and the Administration or even between him and me.

Mr. BURTON. The Senator did not wait until I got through. At the time the Senator made a statement in regard to this matter to the President I was seeking to see the President about another matter, and, if the Senator will remember, he immediately, as I thought, handed the President some papers—I may be mistaken about that—or at least he had some papers in his hand.

Mr. BAILEY. I will say that I had those papers, and carried them to the State Department and left them there.

Mr. BURTON. I may be mistaken as to whether the Senator handed those papers to the President or not, but the President spoke to me and invited me into the Cabinet room. After the statement the Senator from Texas made to him, my understanding was (and I would hate to trust my memory, because at that time I did not have it charged with the matter) that the Senator spoke something about a particular case—I think this one—and he also said he wanted to call the attention of the President to another case.

Mr. BAILEY. That is true.

Mr. BURTON. What may have been said as to any particular statement I did not have my mind charged with. But while I am on my feet I will say that subsequently, at the instance of some of Dr. Scott's friends, I did call at the State Department and examined those papers. I had no trouble at all in seeing the papers; they were turned over to me, and I did examine them.

I think it is perfectly fair for me to say also that I think those papers show that Dr. Scott has simply been outrageously treated and is about to be robbed of all his money. I do not want it to be understood, however, that I am saying our ambassador was in any way responsible for that condition of things; but the papers themselves do show a condition of things respecting this case that is bad so far as Dr. Scott is concerned.

Before I sit down I want to say to the Senator that he is confusing, I think, a subsequent conversation that we had with a conversation that he thought he had in my presence with the President, which was a general statement only. Subsequently he particularized it. I know one thing, that at the time the statement was made it did not impress me sufficiently for me to remember distinctly what was said.

Mr. BAILEY. I want to say in reply that I am not responsible for the fact that the Senator from Kansas was not impressed by what I said, but I am now undertaking to repeat, and I will say that I repeat almost word for word exactly what I did say. I said: "Mr. President, I have come here this morning to say to you that when you are ready to take up the charges against the American ambassador to Mexico, I shall be glad to furnish you some information which has come to me concerning his conduct in that country."

That is, I think, precisely what I said, and I undertake to say that it is practically, word for word, my statement. What I said is not important except in reply to the suggestion from the Senator from Ohio [Mr. HANNA] that the question has been fully tried and determined by the State Department. That it has been fully determined is perhaps true, but that it has been tried I most emphatically deny.

Mr. BEVERIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Indiana?

Mr. BAILEY. I yield to the Senator.

Mr. BEVERIDGE. Mr. President, when I first rose, the Senator had just said that he had not been invited by the State Department to tell the State Department what he knew concerning this case. I asked the Senator whether or not a hearing was denied him. Did the Senator go there and insist on laying all his facts and all his papers before the State Department, and was he denied that privilege? The Senator says he was not invited.

Mr. BAILEY. Let me answer right there.

Mr. BEVERIDGE. Was the Senator denied that privilege?

Mr. BAILEY. The Senator from Texas is not in the habit, after having volunteered to supply information which gentlemen ought to want, to press his information on those gentlemen by importunity. I volunteered to furnish them all I knew. When I said I was not invited, it was not, as the Senator doubtless supposes by that mere expression, that I expected them to send for me without any previous notice, but having proposed that I would put into their hands the information which had come to me—more than I have stated here this afternoon; some of it information that I will not state, because I am not willing to become responsible for it—under those circumstances there was never a word said that they desired to know anything more about the conduct of the American ambassador to Mexico; but the whole matter was dismissed without a word even from the attorney who filed the papers in the case.

I go further and say that in those papers there was a petition, signed by American citizens engaged in the railroad service in Mexico, praying for the recall of the American ambassador. I happen to know that some of those American citizens have laid in Mexican jails for months, denied a trial, and some of them, when finally granted a trial or finally given an examination, were released without being held for the formality of a trial. These men who have suffered under the tardy action of our ambassador to Mexico have appealed to the President of the United States for his recall.

Mr. BEVERIDGE. Mr. President, the point of my question is that the Senator's complaint against the State Department in general is that he was not invited to lay the information in his possession before the State Department. I asked him if he was denied a hearing, and he responded that he was not in the habit as a Senator of pressing his claims by importunity.

I do not know what the Senator's habits are, but I am familiar with the habits of other Senators upon this floor. When they are in charge of the case of a constituent before a Department, they do not wait to be invited; they press their cause until they are heard; and therefore I asked the question whether the

Senator had been denied a hearing, because, if he was not denied the opportunity of laying facts in his possession before the Department, the weight of his charge against the Department falls. The Department has a vast business upon its hands, and no doubt it can not send for Senators who are interested in pressing claims before it.

Mr. BAILEY. It was not a claim I was pressing.

Mr. BEVERIDGE. I do not mean a claim; I mean a case.

Mr. BAILEY. Well—

Mr. BEVERIDGE. Or a controversy, or anything else. It is the habit of Senators to press their claims, their causes, their controversies, or their business, or whatever it may be, before the Departments, just as it is the habit of attorneys in court to press their causes and their claims.

Therefore the Senator's charge against the State Department that he was not invited to present to the Department all the facts in his possession falls if he was not denied a hearing. The question I put to the Senator, therefore, was, Did the State Department deny the Senator an opportunity to lay the papers and the facts before it? Did the Secretary of State or the Solicitor of the State Department, when the Senator went there and said "I have facts and papers here, and I insist on being heard," deny him the opportunity of doing so?

Mr. BAILEY. Mr. President, after this defense of the brilliant leader of the Administration forces and the able defender of the Administration's policies perhaps I ought to discontinue.

Mr. BEVERIDGE. Well, Mr. President—

Mr. BAILEY. But I decline to be suppressed by a question of that kind. The Senator—

Mr. BEVERIDGE. The Senator will permit me, I hope.

Mr. BAILEY. Let me finish the statement. The Senator misstates the complaint I make. I did not complain because the Administration did not invite me to proffer charges against the ambassador to Mexico, but I stated, in reply to the suggestion that the case had been fairly heard and fairly determined, that it was not fairly heard, however it may have been determined. Then I stated that they not only did not hear the attorney who preferred the charges, but they did not hear me, although as a Senator in the Congress of the United States I had voluntarily stated both to the President and to the Secretary of State that some facts had come into my possession which they ought to know, and when they were ready to take the case up I should be glad to supply them with those facts.

It is my misfortune that my habits of transacting business at the Departments are not the same as the habits of the Senator from Indiana and of other Senators, but I know the difference in my welcome at those Departments and his welcome.

Mr. BEVERIDGE. Who could resist the Senator?

Mr. BAILEY. I know that the trouble is I am compelled to complain, and even by complaining do not get as fair treatment as the Senator, who, earning the right by his great service to his party—I do not speak that flippantly or in any disagreeable sense—earning the right by his services to be admitted at any hour and to be heard on any subject, as a matter of course, feels at liberty not only to press but, if need be, to importune those now in power—

Mr. BEVERIDGE. Will the Senator permit an interruption at this point, just to disclaim the compliment he paid me a little bit ago?

Mr. BAILEY. I accept the disclaimer.

Mr. BEVERIDGE. I should only be too happy to accept if I felt that I deserved it.

I want to ask the Senator whether he thinks that if there was in power an opposition Administration and a Senator on this floor, myself or any other Senator on our side of the Chamber, should appeal to a Cabinet minister in behalf of a constituent, our appeal would be denied because we belonged to the opposite party, where the rights of an American citizen are involved and where the Senator is representing them? Does the Senator mean to say that one Senator, if this were a Democratic Administration instead of a Republican, would have a larger and a kindlier hearing than any other?

I decline, Mr. President, to believe so poorly of any Democratic Administration, no matter what one it might be. I should believe that if I were representing before a Department the just cause of a constituent who had been denied his rights, I would receive the same welcome that I would receive if I were a Democratic Senator; and I ask the Senator from Texas if he does not think so, too.

Mr. BAILEY. I know not. I know that I have no such hearing in any of these Departments as a Republican Senator has; and we may just as well be candid about it.

Mr. BEVERIDGE. Let us be candid. Will the Senator answer whether or not he was denied a hearing?

Mr. BAILEY. I decline to be annoyed by that kind of a question.

Mr. BEVERIDGE. That is the question.

Mr. BAILEY. Mr. President, I was really and sincerely anxious to avoid giving this matter the least appearance of partisanship. I believe that the protection of an American citizen in a foreign country can not possibly become a matter of partisan dispute. Of course I perfectly understand the propriety of Republican Senators defending a Republican official. I make no complaint about that. I have no doubt in the world that if the Democrats were in power and there were Democrat officials accused, my acquaintances and political friends, I would be loath to believe they had neglected their duty, and I should probably be prompt to defend them when accused unless I thought them accused upon sufficient evidence.

But never during my public life have I seen the hour, and never, I sincerely trust, will the hour come, when I will deny any member of the opposition the right to examine the papers in any case relating to the rights of an American citizen in a foreign country. Nor will I send that Senator to a department, and have the head of the department send his messenger to bring specified papers for his examination. That goes above a mere matter of partisanship.

Now, if it be true that these papers and these facts justify the conduct of these officials, let the Senate know it and let the country know it, and let the men who accuse them of this official delinquency rest under the odium of having made an unsupported charge. I realize the responsibility a Senator or a citizen assumes when he attacks an officer of the United States, because my judgment is that the only man who ought to be more odious than an unfaithful servant is the man who accuses wrongfully a faithful one. If the facts vindicate these men, according to the suggestion which we have heard, let us establish them in the proper way; and as the first step in that matter let us have the papers in this case.

Let us first see if it be true that the American ambassador sent a paper purporting to be a correct copy of another paper which was not, in fact, correct. If that is made to appear otherwise than true, then the whole matter falls to the ground. If it shall appear to the satisfaction of the Senate and the committee that the ambassador did send as a copy that which was not, in fact, a copy, then the next step is to ascertain why he did so.

Mr. FAIRBANKS. I do not want to interrupt the honorable Senator unduly. I asked him a while ago when this application was made by him and denied. He thought the question of dates was immaterial.

Mr. BAILEY. I have told the Senator for the tenth time that I did not make the application—

Mr. FAIRBANKS. No; but the Senator must be advised—

Mr. BAILEY. And stated when the application was made by Dr. Scott.

Mr. FAIRBANKS. Well, by the interests represented by the Senator.

Mr. BAILEY. I represent no interest. I represent merely an attempt to protect an American citizen in a foreign country. I never saw this man until he came to Washington. I did not know enough about him even to introduce him at the White House and the State Department. I have no interest in it any more than the Senator from Indiana ought to have, except that this gentleman had the good fortune once to have lived in Texas.

Mr. FAIRBANKS. It goes without saying, of course, that it was his good fortune if he ever lived there. But as the Senator is very well advised, we are on the eve of an adjournment. In a few hours the Senate will undoubtedly stand adjourned. I sympathize with him in his effort to protect American citizenship. It is an effort which we all must appreciate. Some charges have been made against the conduct of certain officials of the Government. It seemed to me that if the Senator had been advised before to-day of these refusals, it would have been well had the resolution come to the Senate before now in order that the subject might have received that care and deliberation which its importance merits.

Mr. BAILEY. The Senator from Indiana must know that this resolution merely asks for the papers. It is not now proposed to predicate any action upon these papers. When these papers are carefully examined the representations which have been made to me may not be supported by them.

But in reply to the other branch of the Senator's suggestion, I desire to say that it was not until about twenty days ago that I learned that the American ambassador had failed to include in his last communication to the Mexican Government touching this case what we considered the vital point in his instructions.

When I received a telegram asking what had been done—that was about ten days after I filed these papers with the Department and asked them to take proper steps against the American ambassador for his failure to proceed properly—I went to the Department with the telegram to inquire what steps had been taken. I was then informed that no steps had been taken, and it was then that a messenger was told to bring copies of certain papers.

The very next morning I presented the resolution which I have



now called up, and only deferred taking it from the President's table because I did not desire to interfere with legislative matters that must be disposed of at the present session. That explains the delay.

I will go so far as to say that while I have felt outraged by the proceedings in this case from the beginning to the end, had the State Department appeared to take proper proceedings against the American ambassador for his failure or refusal to embody in his communication to the Mexican authorities the vital point in its instructions, I should probably never have vexed the Senate with this question. But when an American ambassador refuses to execute his instructions as delivered to him by his Government, and when the people interested declare that he is controlled by an improper motive, it seems to me the Senate is entitled to know the truth of the case.

Mr. BURTON. May I interrupt the Senator from Texas for a moment?

Mr. BAILEY. Certainly.

Mr. BURTON. I am inclined to think that the paper of which the Senator speaks as not showing the interlineations was filed in the Department, but I think the—

Mr. BAILEY. The Senator examined the paper himself, he says. He is sure that that is true, is he not?

Mr. BURTON. I can say that is true; but I can also give the explanation if the Senator will allow me.

Mr. BAILEY. Certainly.

Mr. BURTON. I think it ought to be given now.

When the paper was handed to a clerk to copy, the interlineations were supposed by the clerk to be a part of the document itself, and when it was transmitted it was transmitted without noticing the fact that the copy sent was not a true copy of the paper and that the interlineations were not shown. There is no doubt about the copy of the paper not showing the interlineations that were made.

Mr. BAILEY. Then that explanation supports the second branch of my proposition—that these officers were indifferent to the rights of American citizens—because that paper and those interlineations were the very issue in the case, and therefore if the American ambassador transmitted them to the Government of the United States for its action without the interlineations he left out the very essence of the controversy.

Mr. BURTON. Will the Senator permit me?

Mr. BAILEY. Certainly.

Mr. BURTON. The interlineation was a matter of substance; in fact, it changed completely in its meaning the contract—there is no doubt about that—but it was only a few words, and if it was handed to a clerk to copy the interlineation would be copied without being shown.

Mr. BAILEY. And the American ambassador would transmit papers in a matter of that kind without ever examining them?

Mr. BEVERIDGE. Will the Senator from Kansas permit me to ask him a question?

Mr. BURTON. Certainly.

Mr. BEVERIDGE. Did the Senator from Kansas examine these documents?

Mr. BURTON. Not all; but this one particularly.

Mr. BEVERIDGE. Did you examine all you wanted to examine?

Mr. BURTON. Yes, sir; I had no trouble to examine them.

Mr. BEVERIDGE. You got them upon request?

Mr. BURTON. Yes, sir.

Mr. BEVERIDGE. It was not denied. Did the Senator from Texas examine the papers, or was he denied the opportunity? That is the question.

Mr. BURTON. I want to say, so far as the resolution is concerned, that I have no objection to it at all. I think Dr. Scott has been grievously wronged, but so far as the papers themselves go, I do not think they reflect in any way upon our ambassador, unless it is that the copy that was transmitted was not a true copy of the paper that was filed with him, by reason of the fact that it did not show the interlineations. That was an inadvertence, and I can explain, or I think I can see how it might be transmitted honestly.

Mr. BAILEY. Then I suggest to the Senator from Kansas that we get both an honest and a competent ambassador, because if the present ambassador was honest in sending a copy with its very essential features eliminated, he is not competent. That is obvious, because no man could ever have given the slightest attention to that controversy—the Senator from Kansas, who is a very excellent lawyer, will not disagree with me in this, however earnest he may be in protecting his political friends—without knowing that the very essence of it was in these interlineations and erasures. If that was the essence of the controversy, how could an American minister expect fairly to present it to the State Department with all appearance and trace of those interlineations and erasures gone?

Mr. CARMACK. It shows he was paying no attention to the case.

Mr. BAILEY. It shows at least that he is willing to send, and I am willing to accept that as the explanation, the record in a case with which he was not familiar, although it was his duty to have known every fact that could be learned about it.

I understand, Mr. President, that the American ambassador is not a lawyer. I offer no criticism upon sending to a post which requires sometimes a profound knowledge of the law men who are not lawyers.

Mr. SPOONER. We are not the only ones who have done it.

Mr. BAILEY. I do not think the Republicans are the only ones who make mistakes.

I think Democratic Administrations have made mistakes. I have had occasion to complain at them sometimes. I am not so narrow as to suppose that all the political virtue is on one side and all the political vice on the other. Indeed, I see some men who are so brilliant and attractive that I would like to bring them into the Democratic party. I think they would improve any organization. And we have some who, bad as it is, could still make the Republican party a little worse.

But there is no post on earth where it is of such importance to the American Government to have the right kind of an ambassador as Mexico. In all the great European countries our people travel mostly for pleasure, and there are no very serious questions arising in their cases. But in Mexico our enterprising and splendid people have invested millions.

Their brain and their energy have done more to quicken the pulses of that Republic than any other agency there employed; and with their vast interests and their great numbers it is of the highest importance that the United States shall be represented at the Republic of Mexico by a man whose brain and conscience are equal to the highest service; that he shall be a man so able that they can not deceive him as to the law under which the rights of American citizens are made secure; that he shall be so just and so diligent that he will not transmit the papers as copied by a clerk, and thus fail to inform his Government as to the true merits of the controversy, and that he shall be so clean from all taint of commercialism that not even to serve the selfish interest of a great mining corporation would he be willing to confuse his character as an American ambassador with the petty position of a director in an industrial enterprise.

The PRESIDENT pro tempore. The question is, Will the Senate agree to the resolution submitted by the Senator from Texas?

Mr. SPOONER. Let it be read.

Mr. BEVERIDGE. Mr. President—

The PRESIDENT pro tempore. The resolution will again be read.

Mr. BEVERIDGE. Mr. President—

Mr. SPOONER. Will the Senator from Indiana allow the resolution to be read?

Mr. BEVERIDGE. Certainly.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Indiana as soon as the resolution is read.

The Secretary read the resolution, as follows:

*Resolved by the Senate of the United States, That the Secretary of State be, and he is hereby, requested to transmit to the Senate all of the papers in the case of Beilinberg against Scott, including all communications sent to and received from the ambassador of the United States to Mexico in respect to the same.*

Mr. BEVERIDGE. Mr. President, I was not fortunate in being in the Chamber until some time after the Senator from Texas [Mr. BAILEY] had begun his address upon this resolution, and when I did come in my attention was at once chained by the fact that the Senator was attacking a most honorable and able gentleman, the Solicitor of the State Department, and it is merely on this point that for one moment I desire to reply to the Senator from Texas.

After that the same method used with reference to the Solicitor of the State Department was pursued with reference to the ambassador to Mexico, and even to the head of the State Department itself. It was insinuated, suspicioned, based—I think the Senator, himself will admit when he comes to read his remarks in the RECORD—not upon very substantial basis. The Senator said with reference to the Solicitor of the State Department—a man whom I know and respect, who comes from our State, and was appointed on the recommendation of my colleague—that he was either incompetent or dishonest.

Mr. BAILEY. No; I did not.

Mr. BEVERIDGE. What did you say?

Mr. BAILEY. I said either grossly incompetent to perform his duties or else shamefully indifferent to the interests of American citizens.

Mr. BEVERIDGE. Ah, Mr. President, "shamefully indifferent." I am very glad to get the language. I wish to say that here is a man who has lived the greater part of the time allotted

to the life of man, who has reached a position of eminence in his profession, and who is not, as the Senator says, either incompetent or shamefully derelict. His character is stainless, and his ability is unquestioned; and when a vague suspicion is thrown upon a man like Judge Penfield, it prejudices in my mind the entire case. If the Senator finds it necessary to make aspersions against both the intelligence and the sense of duty of a man of his eminence and character, the case must indeed be frail that calls for such an artifice.

This much only I desire to say with reference to Judge Penfield: Not the Senator himself, not any Senator in this body, or any man in this country is more honorable or more delicate in his sense of his public duties; and few lawyers at the bar in Texas or elsewhere are more thoroughly competent. That, Mr. President, was the reason why I asked the Senator whether these requests of his had been denied without reason, for, knowing the man as I do, I knew that Judge Penfield would not deny to the Senator from Texas, no matter if he were ten times more in the opposition than he is, any reasonable request without giving him sufficient reasons for it.

Mr. President, the question elicited the fact that the Solicitor of the State Department had given him reasons, that if this paper was furnished to Mr. Scott it was to be used by him against the ambassador of the United States at Mexico. That to my mind is a sufficient reason. Shall it come to be that the State Department shall be accessory to any man who wants to vent his private spleen unless he first makes a perfect case? Shall papers be delivered to any person who wants to pursue a personal enemy merely upon a case which is filled from corner stone to pinnacle with suspicion? Yet that is this case as it has developed this afternoon.

My personal interest in this case goes no further than the attack, most unwarranted, against Judge Penfield. The Senator said a moment ago, and very truly, that nothing could be worse than a wrong attack upon a faithful servant. Let me paraphrase that epigram and say nothing can be worse than an unguarded and unjust and ill-considered attack upon a perfect public servant whose whole life has demonstrated that he deserves no such words in this high tribunal.

Mr. BAILEY. Mr. President, the Senator from Indiana, I think upon reflection, will hardly be willing to stand here and charge me with making an unwarranted attack. I ask the Senator from Indiana now and here to withdraw that insinuation.

Mr. BEVERIDGE. Mr. President, if the Senator thinks it is an insinuation I will withdraw the word "insinuation." I make no insinuation. What my words mean they mean. If the Senator will withdraw his words—

Mr. BAILEY. Mr. President—

Mr. BEVERIDGE. Pardon me. If the Senator will withdraw his words about a high official of the State Department of this Government, to the effect that he is either incompetent or that he is grossly neglectful of his duty, then I will be very glad indeed to withdraw mine, but not until then, because I think the Senator will admit when the ardor of debate and of advocacy is not upon him that those words, used with reference to the Solicitor of the State Department, were most unwarranted; and I think the Senator will be the first to regret them when he comes to review the case.

Mr. BAILEY. If the Senator from Indiana will permit me, I want to say to him now that it was far from my purpose to provoke in this Chamber an insult from any Senator. If the Senator from Indiana chooses to resent what I have believed it was my duty to say about the Solicitor of the State Department then that is his concern. But I want to say to him now that the statement on this floor that a Senator has made an unwarranted attack upon a man whom he describes as being as honorable as the Senator himself or anybody else is offensive, and I think it deserves a reply that the rules of the Senate will not permit me to make here.

But I want to say, and I say it without any kind of passion, that neither the Senator from Indiana nor any other Senator can insult me and then require me to withdraw what I have said in the performance of my duty before he withdraws his insulting words.

Mr. BEVERIDGE. Mr. President, I think if the Senator were as sensitive of the feelings of other men as delicate in their sensibilities as himself and who are not here to speak for themselves as he is sensitive of his own feelings there would have been no occasion for any defense of Judge Penfield. The Senator is entirely too sensitive. The Senator understands very well that no insult of the Senator is intended. He knows very well that the words "unwarranted attack" do not convey an insult, and in the current of debate upon this floor I do not suppose a Senator ever before, on occasions I know many times stronger than that, ever so felt.

I am surprised that the Senator from Texas, whom I respect

highly as he well knows, should so construe such words. The Senator from Texas used extraordinary and even violent language with reference to an honorable man, who stands high in one of the departments of the Government, a man not here to speak for himself, a man whom I have known for years, and respected and loved. He said that that man was either incompetent or that that man was grossly neglectful of his duties, which is worse.

Language such as that, Mr. President, is very strong, and it requires a statement that such a charge as that is unwarranted. When the Senator thinks there is in those words any insult to him or anything more than a direct and manly resentment of the attack made upon the Solicitor of the State Department, I think he will come to recognize, as Senators will recognize, that the Senator is not insulted, but is simply too sensitive.

Now, Mr. President, I say this was my only interest in this matter. So far as I personally was concerned, I could not have been true to my friendship for this man, whom I am sure the Senator from Texas does not well know or he would not have used this language, I could not have been true to the State from which he and my colleague and myself come if I had not upon the spot resented such language as that used with reference to this most able and honorable public official.

With reference to the rest of the question, my attention, chained by this suspicion which the Senator from Texas threw upon this man, followed it throughout his discourse, because he occupied a great deal of time, and I found that it was suspicion with reference to the ambassador to Mexico, that it was suspicion with reference to the head of the State Department, and it was sensitiveness.

This is stated in no criticism of the Senator, but in defense of the State Department itself, for I charge that the Senator had no occasion at all to bring this matter before the Senate. The Senator from Kansas said that he had an opportunity to examine all these papers. The Senator from Texas said and reiterated that he went there to get the papers and that a messenger—think of it—a messenger was actually sent for some of them. Then the Senator appears not to have asked for any more. I will ask the Senator who should have gone after the papers? The Solicitor himself or the Secretary of State? Was it not proper that a messenger should go? And if only a few of the papers were brought was it not proper for the Senator and would it have been unusual for the Senator to ask for them all? We know that they would have been given to him because they were all given to the Senator from Kansas that the Senator from Kansas asked for.

As for the excuse of the Senator from Texas that he would not have been accorded the same privileges that he would have been accorded had he been of the same political faith as the Senator from Kansas, I think he himself in a cooler moment will be willing to admit that that was a most unwarranted charge. I asked the Senator whether he requested that all the papers might be brought at that time? The papers were open to him; he had the opportunity to examine them; but it appears that because the Solicitor, or the Secretary of State, or whoever it was, sent a messenger for some of them, the Senator got up and said: "I will bring this before a place where I can bring, not of grace, but of right, all the papers before me."

Mr. President, if that procedure were followed, the time of the Senate would be consumed from morning till night, from the first day of the session to the close, in the private grievances of Senators who had an opportunity to do themselves what they asked the Senate to do for them.

Therefore, Mr. President, starting out with an interest in this case only because I happened to hear a man whom I personally know, as I felt, most unwarrantably attacked, I followed it through to the conclusion, and it appears that there would not be a sufficient reason for the adoption of the resolution.

Mr. BAILEY. Mr. President, I simply desire to say, in the first place, I did not ask for any of these papers when this messenger was dispatched for some particular one. I had not gone there for that purpose. I want to say that if the Senator from Indiana does not know that Republican Senators and Representatives are permitted to examine some files in certain departments and Democratic Representatives are denied that privilege—

Mr. BEVERIDGE. I do not know so.

Mr. BAILEY. It is so in the Post-Office Department. I have never myself tried to examine them as a Senator, but I have been denied the right to examine them when a member of the House of Representatives. And that is not the only thing the Senator from Indiana does not know of which he sometimes assumes to speak.

Mr. BEVERIDGE. Oh, well, Mr. President, so far as any personal explanation of the Senator from Texas about personal capacities or incapacities, I do not suppose, of course, that will illumine this debate, but the question I put to the Senator upon his last remark concerning the examining of papers in the



Post-Office Department is this, without which the whole case that he makes upon that point falls: Was the Senator denied papers in the Post-Office Department which a Republican Representative, as it was before he came to the Senate, was permitted to see?

Mr. BAILEY. Why, of course.

Mr. BEVERIDGE. Does the Senator state here that he was denied the examination of papers in the Department which examination was accorded to a Republican Senator because of their opposite political faith? Does the Senator make that charge?

Mr. BAILEY. Of course; I distinctly made it. I distinctly declare that at the Post-Office Department a Republican member of the House can go and examine the papers relating to any office in his district, and a Democratic member of the House can not do so.

Mr. SPOONER. Mr. President, the Senator does not apply that to the present Administration?

Mr. BAILEY. I have not tried it under this, but under the other Administration I was refused.

Mr. SPOONER. Oh.

Mr. BAILEY. I was refused under the first Administration of William McKinley.

Mr. BEVERIDGE. Did a Republican Congressman examine the same papers? That is the question.

Mr. BAILEY. I do not know that he went into the papers of the district which I represented, but I do know that they could go into any papers in the districts which they represented and I could not examine the papers in the district which I represented.

Mr. BEVERIDGE. But the case falls unless the Senator can show that he was denied the examination of papers which was accorded to a Republican Senator because of a difference of political faith.

Mr. BAILEY. That is a kind of pettifoggery which would disgrace the court of a justice of the peace.

Mr. BEVERIDGE. That does not reply to the argument.

Mr. BAILEY. Talk like that does not need a reply.

Mr. BEVERIDGE. If the Senator from Texas—

The PRESIDENT pro tempore. The Senators are out of order.

Mr. FAIRBANKS. Mr. President—

Mr. BAILEY. Let me finish this statement, in response to the Senator from Wisconsin, who is always entitled to a respectful answer. The statement is this, that, as a member of the House of Representatives, I was not permitted, under a Republican Administration, to examine the papers in the Post-Office Department in the district which I represented. When the Democrats controlled the Government, or during the four years that they partially controlled it, and I happened to be in the House, I was permitted to examine the files in every one of those cases.

Mr. SPOONER. Were the Republicans permitted to examine them?

Mr. BAILEY. I presume they were denied the right.

Mr. SPOONER. I want to say to the Senator that I think public records ought to be open to members of Congress without any regard to their political opinions.

Mr. BAILEY. I think so.

Mr. SPOONER. And I should be very sorry and very much surprised if, in the present administration of the Post-office Department, any man who was in a public position having a right to examine the public records should be denied access to the papers.

Mr. BURTON. May I interrupt just to ask a question in this connection, because then I might have some information? Is it always the right of a Senator to examine papers on file in the Post-Office Department?

Mr. SPOONER. There might be papers—

Mr. BAILEY. We could bring here papers relating to a man who was appointed.

Mr. SPOONER. If the Senator will allow me, I will not say that anybody is entitled to examine all the papers on file. I think if some dereliction on the part of an officer is being investigated it might become a confidential file, and in the interest of the public it ought not to be given to the public.

Mr. BURTON. The reason I asked the question was because I was afraid the Senator from Wisconsin would be misconstrued in what was said.

Mr. SPOONER. I do not think I was misconstrued. I said public records.

Mr. BAILEY. I want to say that I have never complained of that rule myself, because the confidences of the party at the particular locality where the appointment is to be made are freely tendered to the appointing power. They write that the applicant has been a loyal party man; that he has been chairman of the committee. I take it that nearly all the recommendations which come to the Department are of that character. I am not quite able to see what satisfaction a Democrat could derive from examining that kind of papers. But whether satisfactory or not, it is nevertheless true that the last time I tried it under a Republican

Administration as a member of the House I was not permitted to examine the papers relating to post-office appointments in my district. I never complained about it.

Mr. SPOONER. Were they papers—

Mr. BAILEY. They were political papers.

Mr. SPOONER. Papers on which to base a removal?

Mr. BAILEY. I did not inquire about that. In one instance I wanted to find out who the applicants were, and I was not permitted to see the papers.

Mr. SPOONER. I think the Senator should have been permitted to see them.

Mr. BAILEY. I did not complain about it. My own judgment is that this is a Republican Administration, and they are entitled to the offices. I am a spoilsman myself.

Mr. BEVERIDGE. Why did not the Senator complain then? It is rather late to complain now.

Mr. BAILEY. Because that is political; this other is not. The difference is obvious to every Senator except the Senator from Indiana. [Laughter.]

Mr. BEVERIDGE. The Senator from Texas attempts to reason for himself and then to interpret the intelligence of all Senators on the floor. Nobody, of course, questions the Senator's right and ability to do that. So far as that is concerned, I will observe that I have never here indulged in reflections and insinuations and quips and quiddities to bring the laughter to prove or disapprove any proposition, neither do I think it very weighty.

Mr. BAILEY. Well, the Senator's opinion is not very weighty with me. I can fathom the intelligence of every other man in the Senate Chamber except that of the Senator from Indiana, and, therefore, I do not hesitate to speak of the rest.

Mr. BEVERIDGE. I am very glad to find the Senator beyond his depth. [Laughter.]

Mr. BAILEY. The fact is that the Post-Office appointments are political. I have heard of no Democrats being appointed to an important office under this Administration unless he was one of the kind that they expected to become a Republican. I do not expect to hear of one. The truth of it is that a Democrat who seeks an appointment under this Administration, whether he intends to do so or not, is going to be a Republican. There is a law of political gravitation like there is a law of physical gravitation. When you start in a certain direction, and there is nothing between you and a given point, you are going there.

I have never complained, and I do not complain now, and if this were a political matter I would not have complained here, but I protest that the files of the State Department in relation to an important matter like this are not political. I freely admit that if a stranger to the procedure had gone there and demanded the papers for use against the American ambassador, the Department might have been justified in saying that it would not surrender a copy of those files for such a purpose; but this was a demand made by the very citizen upon whose behalf the papers were filed. He wanted a copy of it, in truth not to use against the American ambassador, but to satisfy my doubt as to the correctness of his statement. This mistake in that case illustrates the danger of the Department of State assuming to look into the heart and judge of motives of men who ask for copies of papers in their own case.

Now, Mr. President, there is only one other suggestion to which I desire to reply. The Senator from Indiana says that I make this attack upon a man who is not here to reply. He is in the city, and before I uttered a word of censure against him on this floor I told him I intended to do so. He knew that I was going to do so, and he said with some jocularity, "When it is printed, send me a copy." I said, "You will not want to read it."

There is always a question of propriety about abusing a man who is a long ways off, but I repel, and if it is parliamentary to say it, I would say I repel, as beneath my contempt, the suggestion that I would say anything about a man who was not present that I would not say, even with greater pleasure and with more distinctness, when he was present.

Senators here will bear me witness that during the brief time I have had the honor to serve in this body I have never offended any Senator. If anything, I have gone a little too far in striving to be polite. I did not invite, if that word has not already become objectionable to the ears of Senators—I did not invite an offensive retort from the Senator from Indiana by what I had said about the Solicitor of the State Department. That what I had said could have been properly and courteously answered is made apparent by the answer of the senior Senator from Indiana. He as promptly and as vigorously defended the Solicitor of the State Department as his junior colleague did, and yet he did it in a way that becomes the dignity and the courteous relations which ought to obtain in the Senate.

It might just as well be understood here and now that the accusation against a Senator that he practically libels anybody is out of place in the Senate Chamber. A Senator can defend a

constituent without offending a Senator, and it will be understood, sooner or later, that that is neither parliamentary nor best to do the latter. If one of my constituents had been, as I thought, improperly assailed, I would not have done less than defend his character, but I would have done so without giving others a just cause of offense.

Now, Mr. President, I say this in the presence of Senators, with no view of excusing anything I have done, but in explanation of what I may hereafter do.

Mr. FAIRBANKS. Mr. President, I desire at this late hour to say but a word.

I ventured to interrupt the honorable Senator who has just taken his seat immediately after I learned that the character and ability of a distinguished citizen of my State had been brought in question, to inform the honorable Senator of my confidence in that citizen, in his ability and in his character. In what I shall now say in reply to what the Senator has said, and by way of supplement to what I have said heretofore, I say in the utmost kindness, with the fullest appreciation of a long-time friendship which I have had with the distinguished Senator from Texas.

I admire his ability and his sterling character. What he has said by way of disparagement of the Solicitor of the State Department has not been said, in my judgment, except upon a misapprehension of the facts in the case. He has spoken strong words against the Solicitor, which merit a reply from me. I have known that gentleman for many years, and an abler man never filled that exalted position, nor has anyone occupied it who had a higher ideal of public duty.

The Senator is under the impression that certain papers have been withheld by that officer in a case which has enlisted his interest as a Senator. Of course if that were true it would be perfectly natural that the Senator should express himself here with some feeling of righteous indignation.

I am unfamiliar with the facts surrounding this controversy, but since the honorable Senator has been upon the floor, and since I made my observations a few minutes ago, I have been in communication by telephone with the Solicitor of the State Department, and he advises me that if the honorable Senator labors under the impression that any paper in this matter has been withheld from him he is laboring under a misapprehension; that, on the contrary, every solitary paper from the beginning to end has been at the Senator's disposal, and, furthermore, that the Senator has seen each individual paper connected with this entire matter, or at least that it has been at his disposal.

Mr. BAILEY. If it will not interrupt the Senator from Indiana—

Mr. FAIRBANKS. Not at all.

Mr. BAILEY. That statement is incorrect. I examined some of the papers in connection with the attorney for Dr. Scott, but I have never seen that particular paper about which the controversy arose.

Mr. FAIRBANKS. Then there is a misunderstanding. I thought it well that we should analyze this matter and see where the difference was.

Mr. BAILEY. I will say to the Senator, further, when I told Dr. Scott to go and get a copy of that paper he said to me that he was refused it for the reason I have stated. I then told him to write me a letter, which he did. I took that letter, inclosed it in a letter of my own to the State Department, and asked the Department to send me a copy of that paper. Then, instead of sending me a copy, they said that they had delivered it to Dr. Scott, and I have never seen either the original paper or a copy of it.

Mr. FAIRBANKS. As I said, the Solicitor is under the impression that the Senator has seen all the papers, but the Senator is under the impression that he has not seen one paper.

Mr. BAILEY. I know I have not seen one.

Mr. FAIRBANKS. The Senator knows he has not seen one.

Mr. President, the Senator's resolution was submitted to the Senate seven days ago. If I had any complaint to make of the honorable Senator, it would be simply that he delayed seven days in bringing his resolution sharply to the attention of the Senate. It is perfectly obvious at this late hour of the session, an adjournment but a few hours off, that it would be impossible to answer all the statements the Senator has made here in respect to the conduct of the officers of the State Department, and that vacation will come with the Senator's charges unanswered.

The Senator speaks words of weight; his charges are not to be lightly passed by; they go upon the RECORD; they go to the country in the impeachment of an honorable and an able officer of the Government. I know too well, Mr. President, the heart of the honorable Senator to believe that he would wish to do wrong to mortal man, and it is for the purpose of advising the Senator that there is an honest difference of opinion as to a mere matter of fact between him and the honorable Solicitor of the State Department that I make this statement.

Mr. President, I believe that every Senator, no matter what his political complexion, should have an equal right of access to the departments of the Government and to information contained in the departments. The Senator, under a Republican Administration, has as much right as myself, and I claim no more than I would yield to him.

The Senator said that the course of the Solicitor of the State Department indicated to his mind one of two things—either that the Solicitor was incompetent or shamefully indifferent. I have written down, and I now use his precise words. Allow me to address myself briefly to that observation.

As I said a moment ago, the Solicitor of the State Department is an able lawyer. He served with conspicuous ability upon the bench of his State before coming to the State Department; and during the last five and a half years he has had in his charge more great questions perhaps than any other Solicitor the State Department has ever had within the same period; and all who are familiar with his work bear high testimony to his character. "Shamefully indifferent" is the alternative.

Mr. President, if there is one official in the city of Washington who is more faithful, more conscientious in the discharge of his official trust than William L. Penfield, I do not know who he is. If the Senator knew Judge Penfield as I know him, I know he would indulge in no criticism of him. I believe that Judge Penfield would give to the Senator access to whatever is in his Department as freely as he would give it to me or to any other Senator.

Mr. BEVERIDGE. Mr. President, I shall not occupy the attention of the Senate for a longer time than is necessary to say, perhaps, two sentences, which are called out by what occurred between the Senator and me. I do not intend to lecture the Senator as he lectures other Senators and the Senate, but I want to show to Senators who heard the last statement of the Senator from Texas precisely what it is of which he complains. The Senator said that the Solicitor of the State Department was either grossly incompetent or shamefully neglectful of his duty.

Mr. SPOONER. Shamefully indifferent.

Mr. BEVERIDGE. Shamefully indifferent as to his duties. I stated in the course of my remarks that that was a charge which was unwarranted; and in that perfectly proper response the Senator felt that he found an insult. I could not find one there. I do not think that any Senator on the floor could find one there, nor do I think the Senator himself could find one there if he looked the RECORD over. That is all I desire to say, Mr. President.

Mr. BAILEY. Mr. President, I was so certain the Senator from Indiana did intend what I believed that I interrupted him then and told him those words were offensive and I thought he ought to withdraw them. Instead of saying they were not intended to be offensive, he said: "I will withdraw them if you withdraw your characterization of Judge Penfield."

My answer was that for what I said about Judge Penfield I would answer to him. For what the Senator from Indiana says about me doubtless he is willing to take the same course. He could then and there have made the disclaimer. I offered him the opportunity to do it, and I had not supposed that one Senator speaking of a matter in which he was not personally interested would want to offend another. I took occasion then and there to offer him an opportunity to say he did not, and he only agreed to disclaim it upon the ground that I would disclaim.

Mr. BEVERIDGE. The Senator did not disclaim his rather heated language with reference to this official of the State Department who, as I told him, was my personal acquaintance and my friend, and who came from my State. To have withdrawn the words that that language was, as I thought it was, unwarranted would have been to have indorsed the language of the Senator from Texas that this official was grossly incompetent or shamefully neglectful or indifferent. I do not think he is grossly incompetent or shamefully indifferent, but that he is highly competent, and he is a man sensitive as to the discharge of all his duties. I do not think the Senator himself in the morning will find anything in that except a perfectly proper defense of an official whom I regard as able and as pure as any one in the Senate Chamber or in the service of the Government.

The PRESIDING OFFICER (Mr. KEAN in the chair). The question is on agreeing to the resolution. [Putting the question.] The "noes" seem to have it.

Mr. BAILEY. I ask for the yeas and nays on the adoption of the resolution.

Mr. MASON. Mr. President, I desire to address myself to the resolution for just a moment. I have no interest in the debate which has taken place between the two distinguished Senators, although I am sorry that it should have assumed the tone it has in view of the importance of the resolution. We are apt in our personal debates to forget sometimes the subject which we are to vote upon.

I have had occasion to examine the facts in the Scott case, and I believe that no more outrageous injustice has ever been done an



American citizen than is now being perpetrated upon Dr. Scott and his wife in Mexico. I have made no charge, and do not make any, against anyone in the Department or against our ambassador to Mexico, but I regret exceedingly that this debate should assume in any way a partisan aspect. These people are American citizens, and the record that I have read shows conclusively that their property has been tied up under the practice of Mexico by an attachment in aid, which every lawyer understands, without giving to Dr. Scott and his family that bond of indemnity which should go to every man whose money or whose property is tied up.

I certainly can not believe that our ambassador can be in any way a party to any misconduct there in connection with this court; but this much is disclosed in the record, as I have read it: The contract was virtually destroyed by an erasure, and when that contract was copied the erasure was omitted, as I understand; so that in the transfer of the papers in the State Department the document as it was originally printed should have been copied and the erasure and interlineation should have been shown. Who is to blame for making that copy I have no means of knowing, but I do know this—

Mr. SPOONER. Does the paper on file in the State Department show the erasure?

Mr. MASON. No; the copy on file in the State Department does not show that the original paper was ever changed after its execution; but the original paper itself was changed, and the gist of the action was in the change. Now we will assume, for the purposes of the argument, that that was the true contract, and that the minds of the contracting parties met when the erasure was made, and yet this fact remains—

Mr. SPOONER. For what was the money claimed?

Mr. MASON. It was a commission for the sale of some mines, as I remember.

The fact remains that, without giving to Dr. Scott any bond of indemnity, they have tied up this man's property, amounting to hundreds of thousands of dollars, as I remember it.

Mr. BAILEY. They have not tied up this money, but they have absolutely turned it over to Beilberg, and he is in possession of it without any bond to return it in case the judgment goes against him.

Mr. MASON. Yes; and there is not in any civilized country in the world a place where you can sue an attachment in aid and take possession of a debtor's property without giving him some bond of indemnity; and yet the fact remains that upon the case stated, which shows fraud upon its very face, they attached the property of Dr. Scott, and without giving him any bond they actually turned the money over to the man who is now bringing the suit and without a final judgment—

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. MASON. Certainly.

Mr. SPOONER. Was Dr. Scott in possession of the property?

Mr. MASON. Dr. Scott was in possession of the property.

Mr. SPOONER. And he was ousted?

Mr. MASON. He was ousted by an attachment.

Mr. BAILEY. If the Senator from Illinois will permit me, that is not it exactly; the money was deposited in bank.

Mr. MASON. So I understand.

Mr. SPOONER. What money was it?

Mr. BAILEY. The money that was due to Dr. Scott as payment on this land. Will the Senator from Illinois permit me just a moment further?

Mr. MASON. Yes.

Mr. BAILEY. The land was sold for a certain sum above the option price, and the option price was turned over—

Mr. SPOONER. Scott having the option?

Mr. BAILEY. Yes; the option price was turned over to the real owners of the land, and the balance was his profit on the transaction. That balance in the shape of profits was represented by certain notes. This particular note was for \$20,000. At the maturity of that note the obligor of the note, instead of going to Dr. Scott, by collusion with these other parties arranged to deposit it in bank so that Beilberg could reach and attach it.

Mr. MASON. That is the reason, Mr. President, I have taken the floor for a moment to say that I do not want the resolution to be passed or defeated upon any question reflecting upon our ambassador or upon the State Department. I have faith in the ambassador and in the Department; but I do want all the papers brought before the Senate. It can do no one any harm if they are brought here, if there is anything that will bring to light or call the attention of the American ambassador, our representative there, to see to it that American citizens in dealing in Mexico shall have at least an even show with the natives of that country when they go before the courts of justice.

I say frankly that I never knew of any case before where a creditor could bring a suit, and by attachment or any similar arrangement take actual possession of property, goods, or money, and by reason of influence at court—and I have read the record,

and I think there was undue influence at court in the original proceedings had there—practically turned over this property of Mr. Scott, who is absolutely helpless. I can see no possible harm in the adoption of the resolution, and I can vote for it without in any way reflecting upon the ambassador or the State Department. I hope the resolution will pass. The papers are not voluminous. I can see no special reason why—

Mr. LODGE. Will the Senator allow me?

Mr. MASON. In a moment. I can see no reason why we should make any question about this, except that there is an American citizen, who is a respectable man—I had the pleasure of meeting him and his wife here in Washington—who is being unjustly dealt with; and we certainly can protect American citizens in Mexico without directly or indirectly reflecting upon our ambassador there.

Mr. LODGE. Mr. President, I want to suggest, in regard to the resolution, that we never address such resolutions to the Secretary of State. Resolutions relating to a foreign nation are invariably addressed to the President of the United States, and I think this ought to be addressed in the same way—"That the President of the United States be requested, if not incompatible with the public interest"—simply following the usual form.

Mr. BAILEY. Mr. President, that is formal. I do not know what has been the custom of the Senate. I know these papers are in the possession of the Secretary of State, and I thought the resolution ought to be addressed to the one having possession of the papers. I make no point about that, however.

Mr. SPOONER. Mr. President, if this resolution passes, in view of the fact that we are about to adjourn finally, nothing will come of it until the next session of Congress.

Mr. BAILEY. That is true.

Mr. SPOONER. So I suggest to my friend from Texas that it would perhaps be better to refer this resolution to the Committee on Foreign Relations, with authority or instructions to investigate the matter and report the facts at the next session of Congress.

Mr. BAILEY. Mr. President, I will say that I would rather have that kind of a resolution than this, particularly since there is some danger of this debate assuming a party aspect.

Mr. SPOONER. How does the Senator know there is any danger of that?

Mr. BAILEY. I judged from the viva voce vote a while ago that there was some danger of that, and I am sincerely anxious to avoid that. So I will, without hesitation, accept the suggestion of the Senator from Wisconsin, because in that way the Committee on Foreign Relations can get the papers, and they can, by a proper procedure, determine whether there is any necessity of bringing the matter further to the attention of the Senate.

With the permission of the Senator from Wisconsin, I will move, or I shall be glad to have him move, to refer the resolution to the Committee on Foreign Relations, with authority to inquire into the matter, and report to the Senate.

Mr. SPOONER. I think that is the better way, and the committee will, of course, investigate it.

Mr. BEVERIDGE. So do I.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Texas, that the resolution be referred to the Committee on Foreign Relations.

The motion was agreed to.

#### REPAIRS TO AQUEDUCT BRIDGE.

Mr. GALLINGER. Mr. President, I introduce an emergency joint resolution, and I am going to ask that it be considered without reference to a committee. The reading of the resolution will disclose its object.

The PRESIDENT pro tempore. The Senator from New Hampshire introduces a joint resolution for which he asks present consideration. The joint resolution will be read to the Senate for its information.

The joint resolution (S. R. 130) authorizing certain temporary repairs to the Aqueduct Bridge, District of Columbia, was read the first time by its title and the second time at length, as follows:

*Be it resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to spend an amount not exceeding \$3,000 from the balance of appropriations made for the reconstruction of pier No. 4 of the Aqueduct Bridge, District of Columbia, for the purpose of the examination of, and immediate temporary repairs to, the remaining piers of said bridge in cases of need arising from flood or ice.*

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 5956) to provide for the allotment of the lands of the

Cherokee Nation, for the disposition of town sites therein, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia;"

A bill (H. R. 303) for the relief of Sol Bear & Co.;

A bill (H. R. 367) for the relief of Angus A. McPhee;

A bill (H. R. 2494) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

A bill (H. R. 8586) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of Article VII of the treaty between the United States and Spain, concluded on the 10th day of December, 1898;

A bill (H. R. 10321) granting an increase of pension to Susan A. Phelps;

A bill (H. R. 11987) relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington;

A bill (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona;

A bill (H. R. 14234) granting a pension to John Williamson;

A bill (H. R. 15270) to amend an act entitled "An act authorizing the Arkansas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi channel, known as the Morris and Cummings ship channel, in Arkansas County, Tex.;"

A joint resolution (H. J. Res. 182) authorizing the Director of the Census to compile statistics relating to irrigation; and

A joint resolution (H. J. Res. 198) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the thirty-sixth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment.

#### CIVIL GOVERNMENT IN THE PHILIPPINES.

Mr. LODGE. I ask that the conference report upon what is known as the Philippine bill, agreed to by the House, which has just been sent to the Senate, be printed in the RECORD and as a document, and that it may lie over. I give notice that I shall call it up for final disposition immediately after the routine morning business to-morrow morning.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the conference report on the measure known as the Philippine bill may be printed in the RECORD, and also as a document.

Mr. LODGE. And also the bill as agreed upon by the conferees.

The PRESIDENT pro tempore. And also the bill as agreed upon by the conferees.

Mr. LODGE. It, too, should be printed in the RECORD.

Mr. SPOONER. It is to be printed with the report?

Mr. MCCOMAS. The bill should also be printed in the RECORD.

Mr. LODGE. That is the request.

The PRESIDENT pro tempore. The Chair hears no objection; and the conference report and the bill will be printed in the RECORD.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2295) "temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the action of the President of the United States in creating the Philippine Commission and authorizing said Commission to exercise the powers of government to the extent and in the manner and form and subject to the regulation and control set forth in the instructions of the President to the Philippine Commission, dated April seventh, nineteen hundred, and in creating the offices of civil governor and vice-governor of the Philippine Islands, and authorizing said civil governor and vice-governor to exercise the powers of government to the extent and in the manner and form set forth in the Executive order dated June twenty-first, nineteen hundred and one, and in establishing four executive departments of government in said islands as set forth in the Act of the Philippine Com-

mission, entitled "An Act providing an organization for the departments of the interior, of commerce and police, of finance and justice, and of public instruction," enacted September sixth, nineteen hundred and one, is hereby approved, ratified, and confirmed, and until otherwise provided by law the said islands shall continue to be governed as thereby and herein provided, and all laws passed hereafter by the Philippine Commission shall have an enacting clause as follows: "By authority of the United States be it enacted by the Philippine Commission."

The provisions of section eighteen hundred and ninety-one of the Revised Statutes of eighteen hundred and seventy-eight shall not apply to the Philippine Islands.

Future appointments of civil governor, vice-governor, members of said Commission and heads of executive departments shall be made by the President, by and with the advice and consent of the Senate.

SEC. 2. That the action of the President of the United States heretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July twelfth, eighteen hundred and ninety-eight, whereby a tariff of duties and taxes as set forth by said order was to be levied and collected at all ports and places in the Philippine Islands upon passing into the occupation and possession of the forces of the United States, together with the subsequent amendments of said order, are hereby approved, ratified, and confirmed, and the actions of the authorities of the government of the Philippine Islands, taken in accordance with the provisions of said order and subsequent amendments, are hereby approved: *Provided*, That nothing contained in this section shall be held to amend or repeal an Act entitled "An Act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March eighth, nineteen hundred and two.

SEC. 3. That the President of the United States, during such time as and whenever the sovereignty and authority of the United States encounter armed resistance in the Philippine Islands, until otherwise provided by Congress, shall continue to regulate and control commercial intercourse with and within said islands by such general rules and regulations as he, in his discretion, may deem most conducive to the public interests and the general welfare.

SEC. 4. That all inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in said islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain signed at Paris December tenth, eighteen hundred and ninety-eight.

SEC. 5. That no law shall be enacted in said islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall before conviction be, bailable by sufficient sureties except for capital offenses.

That no law impairing the obligation of contracts shall be enacted.

That no person shall be imprisoned for debt.

That the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the governor with the approval of the Philippine Commission, whenever during such period the necessity for such suspension shall exist.

That no ex post facto law or bill of attainder shall be enacted.

That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust in said islands, shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

That the right to be secure against unreasonable searches and seizures shall not be violated.

That neither slavery, nor involuntary servitude except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in said islands.

That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed.

That no money shall be paid out of the treasury except in pursuance of an appropriation by law.

That the rule of taxation in said islands shall be uniform.

That no private or local bill which may be enacted into law shall embrace more than one subject, and that subject shall be expressed in the title of the bill.

That no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

That all money collected on any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury and paid out for such purpose only.

SEC. 6. That whenever the existing insurrection in the Philippine Islands shall have ceased and a condition of general and complete peace shall have been established therein and the fact shall be certified to the President by the Philippine Commission, the President, upon being satisfied thereof, shall order a census of the Philippine Islands to be taken by said Philippine Commission; such census in its inquiries relating to the population shall take and make so far as practicable full report for all the inhabitants, of name, age, sex, race, or tribe, whether native or foreign born, literacy in Spanish, native dialect or language, or in English, school attendance, ownership of homes, industrial and social statistics, and such other information separately for each island, each province, and municipality, or other civil division, as the President and said Commission may deem necessary: *Provided*, That the President may, upon the request of said Commission, in his discretion, employ the service of the Census Bureau in compiling and promulgating the statistical information above provided for, and may commit to such Bureau any part or portion of such labor as to him may seem wise.

SEC. 7. That two years after the completion and publication of the census,



in case such condition of general and complete peace, with recognition of the authority of the United States, shall have continued in the territory of said islands not inhabited by Moros or other non-Christian tribes, and such facts shall have been certified to the President by the Philippine Commission, the President upon being satisfied thereof shall direct said Commission to call, and the Commission shall call, a general election for the choice of delegates to a popular assembly of the people of said territory in the Philippine Islands, which shall be known as the Philippine assembly. After said assembly shall have convened and organized, all the legislative power heretofore conferred on the Philippine Commission in all that part of said islands not inhabited by Moros or other non-Christian tribes shall be vested in a legislature consisting of two houses—the Philippine Commission and the Philippine assembly. Said assembly shall consist of not less than fifty nor more than one hundred members, to be apportioned by said Commission among the provinces as nearly as practicable according to population: *Provided*, That no province shall have less than one member: *And provided further*, That provinces entitled by population to more than one member may be divided into such convenient districts as the said Commission may deem best. Public notice of such division shall be given at least ninety days prior to such election, and the election shall be held under rules and regulations to be prescribed by law. The qualification of electors in such election shall be the same as is now provided by law in case of electors in municipal elections. The members of assembly shall hold office for two years from the first day of January next following their election, and their successors shall be chosen by the people every second year thereafter. No person shall be eligible to such election who is not a qualified elector of the election district in which he may be chosen, owing allegiance to the United States, and twenty-five years of age. The legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not included): *Provided*, That the first meeting of the legislature shall be held upon the call of the governor within ninety days after the first election: *And provided further*, That if at the termination of any session the appropriations necessary for the support of government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid.

The legislature may be called in special session at any time by the civil governor for general legislation, or for action on such specific subjects as he may designate. No special session shall continue longer than thirty days, exclusive of Sundays.

The assembly shall be the judge of the elections, returns, and qualifications of its members. A majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent members. It shall choose its speaker and other officers, and the salaries of its members and officers shall be fixed by law. It may determine the rule of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member. It shall keep a journal of its proceedings, which shall be published, and the yeas and nays of the members on any question shall, on the demand of one-fifth of those present, be entered on the journal.

SEC. 8. That at the same time with the first meeting of the Philippine legislature, and biennially thereafter, there shall be chosen by said legislature, each house voting separately, two resident commissioners to the United States, who shall be entitled to an official recognition as such by all departments upon presentation to the President of a certificate of election by the civil governor of said islands, and each of whom shall be entitled to a salary payable monthly by the United States at the rate of five thousand dollars per annum, and two thousand dollars additional to cover all expenses: *Provided*, That no person shall be eligible to such election who is not a qualified elector of said islands, owing allegiance to the United States, and who is not thirty years of age.

SEC. 9. That the supreme court and the courts of first instance of the Philippine Islands shall possess and exercise jurisdiction as heretofore provided and such additional jurisdiction as shall hereafter be prescribed by the government of said islands, subject to the power of said government to change the practice and method of procedure. The municipal courts of said islands shall possess and exercise jurisdiction as heretofore provided by the Philippine Commission, subject in all matters to such alteration and amendment as may be hereafter enacted by law; and the chief justice and associate justices of the supreme court shall hereafter be appointed by the President, by and with the advice and consent of the Senate, and shall receive the compensation heretofore prescribed by the Commission until otherwise provided by Congress. The judges of the court of first instance shall be appointed by the civil governor, by and with the advice and consent of the Philippine Commission: *Provided*, That the admiralty jurisdiction of the supreme court and courts of first instance shall not be changed except by act of Congress.

SEC. 10. That the Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the supreme court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby in which the Constitution or any statute, treaty, title, right, or privilege, of the United States is involved, or in cases in which the value in controversy exceeds twenty-five thousand dollars, or in which the title or possession of real estate exceeding in value the sum of twenty-five thousand dollars, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question; and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court of the United States on appeal or writ of error by the party aggrieved, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the circuit courts of the United States.

SEC. 11. That the government of the Philippine Islands is hereby authorized to provide for the needs of commerce by improving the harbors and navigable waters of said islands and to construct and maintain in said navigable waters and upon the shore adjacent thereto bonded warehouses, wharves, piers, light-houses, signal and life-saving stations, buoys, and like instruments of commerce, and to adopt and enforce regulations in regard thereto, including bonded warehouses wherein articles not intended to be imported into said islands nor mingled with the property therein, but brought into a port of said islands for reshipment to another country, may be deposited in bond and reshipped to another country without the payment of customs duties or charges.

SEC. 12. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December tenth, eighteen hundred and ninety-eight, except such land or other property as shall be designated by the President of the United States for military and other reservations of the Government of the United States, are hereby placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, except as provided in this Act.

SEC. 13. That the government of the Philippine Islands, subject to the provisions of this Act and except as herein provided, shall classify according to

its agricultural character and productiveness, and shall immediately make rules and regulations for the lease, sale, or other disposition of the public lands other than timber or mineral lands, but such rules and regulations shall not go into effect or have the force of law until they have received the approval of the President and when approved by the President they shall be submitted by him to Congress at the beginning of the next ensuing session thereof and unless disapproved or amended by Congress at said session, they shall at the close of such period have the force and effect of law in the Philippine Islands: *Provided*, That a single homestead entry shall not exceed sixteen hectares in extent.

SEC. 14. That the government of the Philippine Islands is hereby authorized and empowered to enact rules and regulations and to prescribe terms and conditions to enable persons to perfect their title to public lands in said Islands who, prior to the transfer of sovereignty from Spain to the United States, had fulfilled all or some of the conditions required by the Spanish laws and royal decrees of the Kingdom of Spain for the acquisition of legal title thereto yet failed to secure conveyance of title; and the Philippine Commission is authorized to issue patents, without compensation, to any native of said Islands, conveying title to any tract of land not more than sixteen hectares in extent, which were public lands and had been actually occupied by such native or his ancestors prior to and on the thirteenth of August, eighteen hundred and ninety-eight.

SEC. 15. That the government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe, by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said islands such parts and portions of the public domain, other than timber and mineral lands, of the United States in said islands as it may deem wise, not exceeding sixteen hectares to any one person, and for the sale and conveyance of not more than one thousand and twenty-four hectares to any corporation or association of persons: *Provided*, That the grant or sale of such lands, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto; but such restriction shall not apply to transfers of rights and title of inheritance under the laws for the distribution of the estates of decedents.

SEC. 16. That in granting or selling any part of the public domain under the provisions of the last preceding section, preference in all cases shall be given to actual occupants and settlers; and such public lands of the United States in the actual possession or occupancy of any native of the Philippine Islands shall not be sold by said government to any other person without the consent thereto of said prior occupant or settler first had and obtained: *Provided*, That the prior right hereby secured to an occupant of land, who can show no other proof of title than possession, shall not apply to more than sixteen hectares in any one tract.

SEC. 17. That timber, trees, forests, and forest products on lands leased or demised by the government of the Philippine Islands under the provisions of this Act shall not be cut, destroyed, removed, or appropriated except by special permission of said government and under such regulations as it may prescribe.

All moneys obtained from lease or sale of any portion of the public domain or from licenses to cut timber by the government of the Philippine Islands shall be covered into the insular treasury and be subject only to appropriation for insular purposes according to law.

SEC. 18. That the forest laws and regulations now in force in the Philippine Islands, with such modifications and amendments as may be made by the government of said islands, are hereby continued in force, and no timber lands forming part of the public domain shall be sold, leased, or entered until the government of said islands, upon the certification of the forestry bureau that said lands are more valuable for agriculture than for forest uses, shall declare such lands so certified to be agricultural in character: *Provided*, That the said government shall have the right and is hereby empowered to issue licenses to cut, harvest, or collect timber or other forest products on reserved or unreserved public lands in said islands in accordance with the forest laws and regulations hereinbefore mentioned and with the provisions of this Act, and the said government may lease land to any person or persons holding such licenses, sufficient for a mill site, not to exceed four hectares in extent, and may grant rights of way to enable such person or persons to get access to the lands to which such licenses apply.

SEC. 19. That the beneficial use shall be the basis, the measure, and the limit of all rights to water in said islands, and the government of said islands is hereby authorized to make such rules and regulations for the use of water, and to make such reservations of public lands for the protection of the water supply, and for other public purposes not in conflict with the provisions of this Act, as it may deem best for the public good.

#### MINERAL LANDS.

SEC. 20. That in all cases public lands in the Philippine Islands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law.

SEC. 21. That all valuable mineral deposits in public lands in the Philippine Islands, both surveyed and unsurveyed, are hereby declared to be free and open to exploration, occupation, and purchase, and the land in which they are found to occupation, and purchase, by citizens of the United States, or of said islands: *Provided*, That when on any lands in said islands entered and occupied as agricultural lands under the provisions of this Act, but not patented, mineral deposits have been found, the working of such mineral deposits is hereby forbidden until the person, association, or corporation who or which has entered and is occupying such lands shall have paid to the government of said islands such additional sum or sums as will make the total amount paid for the mineral claim or claims in which said deposits are located equal to the amount charged by the government for the same as mineral claims.

SEC. 22. That mining claims upon land containing veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, located after the passage of this Act, whether located by one or more persons qualified to locate the same under the preceding section, shall be located in the following manner and under the following conditions: Any person so qualified desiring to locate a mineral claim shall, subject to the provisions of this Act with respect to land which may be used for mining, enter upon the same and locate a plot of ground measuring, where possible, but not exceeding, one thousand feet in length by one thousand feet in breadth, in as nearly as possible a rectangular form; that is to say: All angles shall be right angles, except in cases where a boundary line of a previously surveyed claim is adopted as common to both claims, but the lines need not necessarily be meridional. In defining the size of a mineral claim, it shall be measured horizontally, irrespective of inequalities of the surface of the ground.

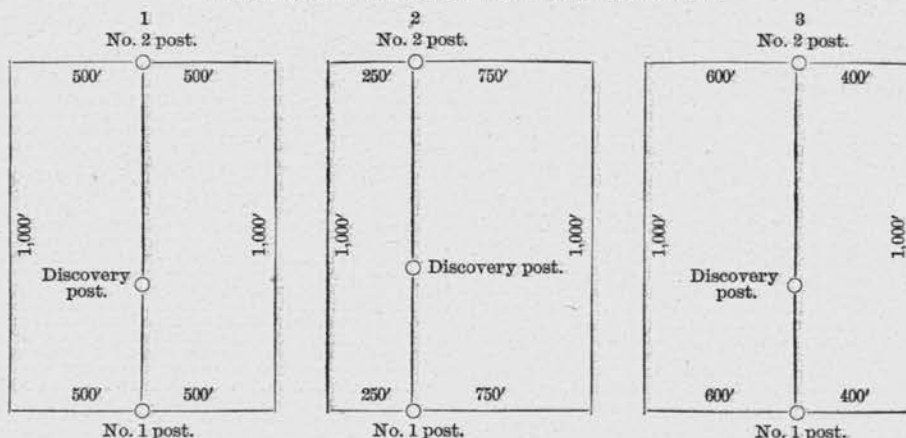
SEC. 23. That a mineral claim shall be marked by two posts placed as nearly as possible on the line of the ledge or vein, and the posts shall be numbered one and two, and the distance between posts numbered one and two shall not exceed one thousand feet, the line between posts numbered one and two to be known as the location line; and upon posts numbered one and two

shall be written the name given to the mineral claim, the name of the locator and the date of the location. Upon post numbered one there shall be written, in addition to the foregoing, "Initial post," the approximate compass bearing of post numbered two, and a statement of the number of feet lying to the right and to the left of the line from post numbered one to post numbered two, thus: "Initial post. Direction of post numbered two. — feet of this claim lie on the right and — feet on the left of the line from number one to number two post." All the particulars required to be put on number one and number two posts shall be furnished by the locator to the provincial secretary, or such other officer as by the Philippine government

may be described as mining recorder, in writing, at the time the claim is recorded, and shall form a part of the record of such claim.

SEC. 24. That when a claim has been located the holder shall immediately mark the line between posts numbered one and two so that it can be distinctly seen. The locator shall also place a post at the point where he has found minerals in place, on which shall be written "Discovery post." *Provided*, That when the claim is surveyed the surveyor shall be guided by the records of the claim, the sketch plan on the back of the declaration made by the owner when the claim was recorded, posts numbered one and two, and the notice on number one, the initial post.

EXAMPLES OF VARIOUS MODES OF LAYING OUT CLAIMS.



SEC. 25. That it shall not be lawful to move number one post, but number two post may be moved by the deputy mineral surveyor when the distance between posts numbered one and two exceeds one thousand feet, in order to place number two post one thousand feet from number one post on the line of location. When the distance between posts numbered one and two is less than one thousand feet the deputy mineral surveyor shall have no authority to extend the claim beyond number two.

SEC. 26. That the "location line" shall govern the direction of one side of the claim, upon which the survey shall be extended according to this Act.

SEC. 27. That the holder of a mineral claim shall be entitled to all minerals which may lie within his claim, but he shall not be entitled to mine outside the boundary lines of his claim continued vertically downward: *Provided*, That this Act shall not prejudice the rights of claim owners nor claim holders whose claims have been located under existing laws prior to this Act.

SEC. 28. That no mineral claim of the full size shall be recorded without the application being accompanied by an affidavit made by the applicant or some person on his behalf cognizant of the facts—that the legal notices and posts have been put up; that mineral has been found in place on the claim proposed to be recorded; that the ground applied for is unoccupied by any other person. In the said declaration shall be set out the name of the applicant and the date of the location of the claim. The words written on the number one and number two posts shall be set out in full, and as accurate a description as possible of the position of the claim given with reference to some natural object or permanent monuments.

SEC. 29. That no mineral claim which at the date of its record is known by the locator to be less than a full-sized mineral claim shall be recorded without the word "fraction" being added to the name of the claim, and the application being accompanied by an affidavit or solemn declaration made by the applicant or some person on his behalf cognizant of the facts: That the legal posts and notices have been put up; that mineral has been found in place on the fractional claim proposed to be recorded; that the ground applied for is unoccupied by any other person. In the said declaration shall be set out the name of the applicant and the date of the location of the claim. The words written on the posts numbered one and two shall be set out in full, and as accurate a description as possible of the position of the claim given. A sketch plan shall be drawn by the applicant on the back of the declaration, showing as near as may be the position of the adjoining mineral claims and the shape and size, expressed in feet, of the claim or fraction desired to be recorded: *Provided*, That the failure on the part of the locator of a mineral claim to comply with any of the foregoing provisions of this section shall not be deemed to invalidate such location, if upon the facts it shall appear that such locator has actually discovered mineral in place on said location, and that there has been on his part a bona fide attempt to comply with the provisions of this Act, and that the nonobservance of the formalities hereinbefore referred to is not of a character calculated to mislead other persons desiring to locate claims in the vicinity.

SEC. 30. That in cases where, from the nature or shape of the ground, it is impossible to mark the location line of the claim as provided by this Act then the claim may be marked by placing posts as nearly as possible to the location line, and noting the distance and direction such posts may be from such location line, which distance and direction shall be set out in the record of the claim.

SEC. 31. That every person locating a mineral claim shall record the same with the provincial secretary or such other officer as by the government of the Philippine Islands may be described as mining recorder of the district within which the same is situated, within thirty days after the location thereof. Such record shall be made in a book to be kept for the purpose in the office of the said provincial secretary or such other officer as by the said government described as mining recorder, in which shall be inserted the name of the claim, the name of each locator, the locality of the mine, the direction of the location line, the length in feet, the date of location, and the date of the record. A claim which shall not have been recorded within the prescribed period shall be deemed to have been abandoned.

SEC. 32. That in case of any dispute as to the location of a mineral claim the title to the claim shall be recognized according to the priority of such location, subject to any question as to the validity of the record itself and subject to the holder having complied with all the terms and conditions of this Act.

SEC. 33. That no holder shall be entitled to hold in his its or their own name or in the name of any other person corporation or association more than one mineral claim on the same vein or lode.

SEC. 34. That a holder may at any time abandon any mineral claim by giving notice, in writing, of such intention to abandon, to the provincial secretary or such other officer as by the government of the Philippine Islands

may be described as mining recorder; and from the date of the record of such notice all his interest in such claim shall cease.

SEC. 35. That proof of citizenship under the clauses of this Act relating to mineral lands may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, or of the Philippine Islands, by the filing of a certified copy of their charter or certificate of incorporation.

SEC. 36. That the United States Philippine Commission or its successors may make regulations, not in conflict with the provisions of this Act, governing the location, manner of recording, and amount of work necessary to hold possession of a mining claim, subject to the following requirements:

On each claim located after the passage of this Act, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year: *Provided*, That upon a failure to comply with these conditions the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several coowners to contribute his proportion of the expenditures required thereby, the coowners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent coowner personal notice in writing, or notice by publication in the newspaper published nearest the claim, and in two newspapers published at Manila, one in the English language and the other in the Spanish language, to be designated by the chief of the Philippine insular bureau of public lands, for at least once a week for ninety days, and if, at the expiration of ninety days after such notice in writing or by publication such delinquent shall fail or refuse to contribute his proportion of the expenditure required by this section his interest in the claim shall become the property of his coowners who have made the required expenditures. The period within which the work required to be done annually on all unpatented mineral claims shall commence on the first day of January succeeding the date of location of such claim.

SEC. 37. That a patent for any land claimed and located for valuable mineral deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this Act, having claimed and located a piece of land for such purposes, who has or have complied with the terms of this Act, may file in the office of the provincial secretary, or such other officer as by the government of said islands may be described as mining recorder of the province wherein the land claimed is located, an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim or claims in common, made by or under the direction of the chief of the Philippine insular bureau of public lands, showing accurately the boundaries of the claim, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and file an affidavit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such office, and shall thereupon be entitled to a patent for the land, in the manner following: The provincial secretary, or such other officer as by the Philippine government may be described as mining recorder, upon the filing of such application, plat, field notes, notices, and affidavits, shall publish a notice that such an application has been made, once a week for the period of sixty days, in a newspaper to be by him designated as nearest to such claim and in two newspapers published at Manila, one in the English language and one in the Spanish language, to be designated by the chief of the Philippine insular bureau of public lands; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter within the sixty days of publication, shall file with the provincial secretary or such other officer as by the Philippine government may be described as mining recorder a certificate of the chief of the Philippine insular bureau of public lands that five hundred dollars' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the provincial secretary or such other officer



as by the government of said islands may be described as mining recorder at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent upon the payment to the provincial treasurer or the collector of internal revenue of five dollars per acre and that no adverse claim exists, and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this Act: *Provided*, That where the claimant for a patent is not a resident of or within the province wherein the land containing the vein, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent where said agent is conversant with the facts sought to be established by said affidavits.

SEC. 38. That applicants for mineral patents, if residing beyond the limits of the province or military department wherein the claim is situated, may make the oath or affidavit required for proof of citizenship before the clerk of any court of record, or before any notary public of any province of the Philippine Islands, or any other official in said islands authorized by law to administer oaths.

SEC. 39. That where an adverse claim is filed during the period of publication it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavits thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment, and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment roll with the provincial secretary or such other officer as by the government of the Philippine Islands may be described as mining recorder, together with the certificate of the chief of the Philippine insular bureau of public lands that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the provincial treasurer or the collector of internal revenue of the province in which the claim is situated, as the case may be, five dollars per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment roll shall be certified by the provincial secretary or such other officer as by said government may be described as mining recorder to the secretary of the interior of the Philippine Islands, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, rightly to possess. The adverse claim may be verified by the oath of any duly authorized agent or attorney in fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing or at the time being beyond the limits of the province wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record, or any notary public of any province or military department of the Philippine Islands, or any other officer authorized to administer oaths where the adverse claimant may then be. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the chief of the Philippine insular bureau of public lands, whereupon the provincial secretary or such other officer as by the government of said islands may be described as mining recorder shall certify the proceedings and judgment roll to the secretary of the interior for the Philippine Islands, as in the preceding case, and patents shall issue to the several parties according to their respective rights. If in any action brought pursuant to this section title to the ground in controversy shall not be established by either party, the court shall so find, and judgment shall be entered accordingly. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the office of the provincial secretary or such other officer as by the government of said islands may be described as mining recorder or be entitled to a patent for the ground in controversy until he shall have perfected his title. Nothing herein contained shall be construed to prevent the alienation of a title conveyed by a patent for a mining claim to any person whatever.

SEC. 40. That the description of mineral claims upon surveyed lands shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued for claims upon unsurveyed lands the chief of the Philippine insular bureau of public lands in extending the surveys shall adjust the same to the boundaries of such patented claim according to the plat or description thereof, but so as in no case to interfere with or change the location of any such patented claim.

SEC. 41. That any person authorized to enter lands under this Act may enter and obtain patent to lands that are chiefly valuable for building stone under the provisions of this Act relative to placer mineral claims.

SEC. 42. That any person authorized to enter lands under this Act may enter and obtain patent to lands containing petroleum or other mineral oils and chiefly valuable therefor under the provisions of this Act relative to placer mineral claims.

SEC. 43. That no location of a placer claim shall exceed sixty-four hectares for any association of persons, irrespective of the number of persons composing such association, and no such location shall include more than eight hectares for an individual claimant. Such locations shall conform to the laws of the United States Philippine Commission, or its successors, with reference to public surveys, and nothing in this section contained shall defeat or impair any bona fide ownership of land for agricultural purposes or authorize the sale of the improvements of any bona fide settler to any purchaser.

SEC. 44. That where placer claims are located upon surveyed lands and conform to legal subdivisions, no further survey or plat shall be required, and all placer mining claims located after the date of passage of this Act shall conform as nearly as practicable to the Philippine system of public-land surveys and the regular subdivisions of such surveys; but where placer claims can not be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral lands in any legal subdivision a quantity of agricultural land less than sixteen hectares shall remain, such fractional portion of agricultural land may be entered by any party qualified by law for homestead purposes.

SEC. 45. That where such person or association, they and their grantors have held and worked their claims for a period equal to the time prescribed by the statute of limitations of the Philippine Islands, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereon under this Act, in the absence of any adverse claim; but nothing in this Act shall be deemed to impair any lien which may have attached in any way whatever prior to the issuance of a patent.

SEC. 46. That the chief of the Philippine insular bureau of public lands may appoint competent deputy mineral surveyors to survey mining claims. The expenses of the survey of vein or lode claims and of the survey of placer

claims, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any such deputy mineral surveyor to make the survey. The chief of the Philippine insular bureau of public lands shall also have power to establish the maximum charges for surveys and publication of notices under this Act; and in case of excessive charges for publication he may designate any newspaper published in a province where mines are situated, or in Manila, for the publication of mining notices and fix the rates to be charged by such paper; and to the end that the chief of the bureau of public lands may be fully informed on the subject such applicant shall file with the provincial secretary, or such other officer as by the government of the Philippine Islands may be described as mining recorder, a sworn statement of all charges and fees paid by such applicant for publication and surveys, and of all fees and money paid the provincial treasurer or the collector of internal revenue, as the case may be, which statement shall be transmitted, with the other papers in the case, to the secretary of the interior for the Philippine Islands.

SEC. 47. That all affidavits required to be made under this Act may be verified before any officer authorized to administer oaths within the province or military department where the claims may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and effect as if taken before the proper provincial secretary or such other officer as by the government of the Philippine Islands may be described as mining recorder. In cases of contest as to the mineral or agricultural character of land the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party can not be found, then by publication at least once a week for thirty days in a newspaper to be designated by the provincial secretary or such other officer as by said government may be described as mining recorder published nearest to the location of such land and in two newspapers published in Manila, one in the English language and one in the Spanish language, to be designated by the chief of the Philippine insular bureau of public lands; and the provincial secretary or such other officer as by said government may be described as mining recorder shall require proofs that such notice has been given.

SEC. 48. That where nonmineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such nonadjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location of such nonadjacent land shall exceed two hectares, and payment for the same must be made at the same rate as fixed by this Act for the superficies of the lode. The owner of a quartz mill or reduction works not owning a mine in connection therewith may also receive a patent for his mill site as provided in this section.

SEC. 49. That as a condition of sale the government of the Philippine Islands may provide rules for working, policing, and sanitation of mines, and rules concerning easements, drainage, water rights, right of way, right of Government survey and inspection, and other necessary means to their complete development not inconsistent with the provisions of this Act, and those conditions shall be fully expressed in the patent. The Philippine Commission or its successors are hereby further empowered to fix the bonds of deputy mineral surveyors.

SEC. 50. That whenever by priority of possession rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same, and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed, but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 51. That all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights as may have been acquired under or recognized by the preceding section.

SEC. 52. That the Government of the Philippine Islands is authorized to establish land districts and provide for the appointment of the necessary officers wherever they may deem the same necessary for the public convenience, and to further provide that in districts where land offices are established proceedings required by this Act to be had before provincial officers shall be had before the proper officers of such land offices.

SEC. 53. That every person above the age of twenty-one years, who is a citizen of the United States, or of the Philippine Islands, or who has acquired the rights of a native of said Islands under and by virtue of the treaty of Paris, or any association of persons severally qualified as above, shall, upon application to the proper provincial treasurer, have the right to enter any quantity of vacant coal lands of said Islands not otherwise appropriated or reserved by competent authority, not exceeding sixty-four hectares to such individual person, or one hundred and twenty-eight hectares to such association, upon payment to the provincial treasurer or the collector of internal revenue, as the case may be, of not less than twenty-five dollars per hectare for such lands, where the same shall be situated more than fifteen miles from any completed railroad or available harbor or navigable stream, and not less than fifty dollars per hectare for such lands as shall be within fifteen miles of such road, harbor, or stream: *Provided*, That such entries shall be taken in squares of sixteen or sixty-four hectares, in conformity with the rules and regulations governing the public-land surveys of the said islands in plotting legal subdivisions.

SEC. 54. That any person or association of persons, severally qualified as above provided, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry under the preceding section of the mines so opened and improved.

SEC. 55. That all claims under the preceding section must be presented to the proper provincial secretary within sixty days after the date of actual possession and the commencement of improvements on the land by the filing of a declaratory statement therefor; and where the improvements shall have been made prior to the expiration of three months from the date of the passage of this Act, sixty days from the expiration of such three months shall be allowed for the filing of a declaratory statement; and no sale under the provisions of this Act shall be allowed until the expiration of six months from the date of the passage of this Act.

SEC. 56. That the three preceding sections shall be held to authorize only one entry by the same person or association of persons; and no association of persons, any member of which shall have taken the benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such section shall enter or hold any other lands under their provisions; and all persons claiming under section fifty-eight shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing



their respective claims; and upon failure to file the proper notice or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

SEC. 57. That in case of conflicting claims upon coal lands where the improvements shall be commenced after the date of the passage of this Act, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference right to purchase. And also where improvements have already been made prior to the passage of this Act, division of the land claimed may be made by legal subdivisions, which shall conform as nearly as practicable with the subdivisions of land provided for in this Act, to include as near as may be the valuable improvements of the respective parties. The government of the Philippine Islands is authorized to issue all needful rules and regulations for carrying into effect the provisions of this and preceding sections relating to mineral lands.

SEC. 58. That whenever it shall be made to appear to the secretary of any province or the commander of any military department in the Philippine Islands that any lands within the province are saline in character, it shall be the duty of said provincial secretary or commander under the regulations of the government of the Philippine Islands to take testimony in reference to such lands, to ascertain their true character, and to report the same to the secretary of the interior for the Philippine Islands; and if, upon such testimony, the secretary of the interior shall find that such lands are saline and incapable of being purchased under any of the laws relative to the public domain, then and in such case said lands shall be offered for sale at the office of the provincial secretary or such other officer as by the said government may be described as mining recorder of the province or department in which the same shall be situated, as the case may be, under such regulations as may be prescribed by said government and sold to the highest bidder, for cash, at a price of not less than three dollars per hectare; and in case such lands fail to sell when so offered, then the same shall be subject to private sale at such office, for cash, at a price not less than three dollars per hectare, in the same manner as other lands in said islands are sold. All executive proclamations relating to the sales of public saline lands shall be published in only two newspapers, one printed in the English language and one in the Spanish language, at Manila, which shall be designated by said secretary of the interior.

SEC. 59. That no Act granting lands to provinces, districts, or municipalities to aid in the construction of roads, or for other public purposes, shall be so construed as to embrace mineral lands, which, in all cases, are reserved exclusively, unless otherwise specially provided in the Act or Acts making the grant.

SEC. 60. That nothing in this Act shall be construed to affect the rights of any person, partnership, or corporation having a valid, perfected mining concession granted prior to April eleventh, eighteen hundred and ninety-nine, but all such concessions shall be conducted under the provisions of the law in force at the time they were granted, subject at all times to cancellation by reason of illegality in the procedure by which they were obtained, or for failure to comply with the conditions prescribed as requisite to their retention in the laws under which they were granted; *Provided*, That the owner or owners of every such concession shall cause the corners made by its boundaries to be distinctly marked with permanent monuments within six months after this Act has been promulgated in the Philippine Islands, and that any concessions the boundaries of which are not so marked within this period shall be free and open to explorations and purchase under the provisions of this Act.

SEC. 61. That mining rights on public lands in the Philippine Islands shall, after the passage of this Act, be acquired only in accordance with its provisions.

SEC. 62. That all proceedings for the cancellation of perfected Spanish concessions shall be conducted in the courts of the Philippine Islands having jurisdiction of the subject-matter and of the parties, unless the United States Philippine Commission, or its successors, shall create special tribunals for the determination of such controversies.

#### AUTHORITY FOR THE PHILIPPINE ISLANDS GOVERNMENT TO PURCHASE LANDS OF RELIGIOUS ORDERS AND OTHERS AND ISSUE BONDS FOR PURCHASE PRICE.

SEC. 63. That the government of the Philippine Islands is hereby authorized, subject to the limitations and conditions prescribed in this Act, to acquire, receive, hold, maintain, and convey title to real and personal property, and may acquire real estate for public uses by the exercise of the right of eminent domain.

SEC. 64. That the powers hereinbefore conferred in section sixty-six may also be exercised in respect of any lands, easements, appurtenances, and hereditaments which, on the thirteenth of August, eighteen hundred and ninety-eight, were owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels and in such manner as in the opinion of the Commission injuriously to affect the peace and welfare of the people of the Philippine Islands. And for the purpose of providing funds to acquire the lands mentioned in this section said government of the Philippine Islands is hereby empowered to incur indebtedness, to borrow money, and to issue, and to sell at not less than par value, in gold coin of the United States of the present standard value or the equivalent in value in money of said Islands, upon such terms and conditions as it may deem best, registered or coupon bonds of said government for such amount as may be necessary, said bonds to be in denominations of fifty dollars or any multiple thereof, bearing interest at a rate not exceeding four and a half per centum per annum, payable quarterly, and to be payable at the pleasure of said government after dates named in said bonds not less than five nor more than thirty years from the date of their issue, together with interest thereon, in gold coin of the United States of the present standard value or the equivalent in value in money of said Islands; and said bonds shall be exempt from the payment of all taxes or duties of said government or any local authority therein, or of the Government of the United States, as well as from taxation in any form by or under State, municipal, or local authority in the United States or the Philippine Islands. The moneys which may be realized or received from the issue and sale of said bonds shall be applied by the government of the Philippine Islands to the acquisition of the property authorized by this section, and to no other purposes.

SEC. 65. That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the government of the Philippine Islands, and may be held, sold, and conveyed or leased temporarily for a period not exceeding three years after their acquisition by said government on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this Act; *Provided*, That all deferred payments and the interest thereon shall be payable in the money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment of said lands by the preceding section and said deferred payments shall bear interest at the rate borne by the bonds. All moneys realized or received from sales or other disposition of said lands or by reason thereof shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the government shall have the preference over all

others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said government.

#### MUNICIPAL BONDS FOR PUBLIC IMPROVEMENTS.

SEC. 66. That for the purpose of providing funds to construct sewers, to furnish adequate sewer and drainage facilities, to secure a sufficient supply of water, and to provide all kinds of municipal betterments and improvements in municipalities, the government of the Philippine Islands, under such limitations, terms, and conditions as it may prescribe, with the consent and approval of the President and the Congress of the United States, may permit any municipality of said islands to incur indebtedness, borrow money, and to issue and sell (at not less than par value in gold coin of the United States) registered or coupon bonds in such amount and payable at such time as may be determined by the government of said Islands, with interest thereon not to exceed five per centum per annum; *Provided*, That the entire indebtedness of any municipality under this section shall not exceed five per centum of the assessed valuation of the property in said municipality, and any obligation in excess of such limit shall be null and void.

SEC. 67. That all municipal bonds shall be in denominations of fifty dollars, or any multiple thereof, bearing interest at a rate not exceeding five per centum per annum, payable quarterly, such bonds to be payable at the pleasure of the government of the Philippine Islands, after dates named in said bonds not less than five nor more than thirty years from the date of their issue, together with the interest thereon, in gold coin of the United States of the present standard value, or its equivalent in value in money of the said Islands; and said bonds shall be exempt from the payment of all taxes or duties of the government of the Philippine Islands or any local authority therein or of the Government of the United States.

SEC. 68. That all moneys which may be realized or received from the issue and sale of said bonds shall be utilized under authorization of the government of the Philippine Islands in providing the municipal improvements and betterment which induced the issue and sale of said bonds, and for no other purpose.

SEC. 69. That the government of the Philippine Islands shall, by the levy and collection of taxes on the municipality, its inhabitants and their property, or by other means, make adequate provision to meet the obligation of the bonds of such municipality, and shall create a sinking fund sufficient to retire them and pay the interest thereon in accordance with the terms of issue; *Provided*, That if said bonds or any portion thereof shall be paid out of the funds of the government of said islands, such municipality shall reimburse said government for the sum thus paid, and said government is hereby empowered to collect said sum by the levy and collection of taxes on such municipality.

SEC. 70. That for the purpose of providing funds to construct sewers in the city of Manila and to furnish it with an adequate sewer and drainage system and supply of water the government of the Philippine Islands, with the approval of the President of the United States first had, is hereby authorized to permit the city of Manila to incur indebtedness, to borrow money, and to issue and sell (at not less than par value in gold coin of the United States), upon such terms and conditions as it may deem best, registered or coupon bonds of the city of Manila to an amount not exceeding four million dollars lawful money of the United States, payable at such time or times as may be determined by said government, with interest thereon not to exceed five per centum per annum.

SEC. 71. That said coupon or registered bonds shall be in denominations of fifty dollars or any multiple thereof, bearing interest at a rate not exceeding five per centum per annum, payable quarterly, such bonds to be payable at the pleasure of the government of the Philippine Islands, after dates named in said bonds not less than five nor more than thirty years from the date of their issue, together with the interest thereon in gold coin of the United States of the present standard value, or the equivalent in value in money of the said Islands; and said bonds shall be exempt from the payment of all taxes or duties of the government of the said Islands, or of any local authority therein or of the Government of the United States.

SEC. 72. That all moneys which may be realized or received from the issue and sale of said bonds shall be utilized under authorization of said government of the Philippine Islands in providing a suitable sewer and drainage system and adequate supply of water for the city of Manila and for no other purpose.

SEC. 73. That the government of the Philippine Islands shall, by the levy and collection of taxes on the city of Manila, its inhabitants and their property, or by other means, make adequate provision to meet the obligation of said bonds and shall create a sinking fund sufficient to retire them and pay the interest thereon in accordance with the terms of issue; *Provided*, That if said bonds or any portion thereof shall be paid out of the funds of the government of said islands, said city shall reimburse said government for the sum thus paid, and said government is hereby empowered to collect said sum by the levy and collection of taxes on said city.

#### FRANCHISES.

SEC. 74. That the government of the Philippine Islands may grant franchises, privileges, and concessions, including the authority to exercise the right of eminent domain for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the government of said Islands, and may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use and occupy such public property belonging to said provinces or municipalities; *Provided*, That no private property shall be taken for any purpose under this section without just compensation paid or tendered therefor, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise, privilege, or concession shall be granted to any corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or rights of use and occupation of lands thus granted shall revert to the governments by which they were respectively granted upon the termination of the franchises and concessions under which they were granted or upon their revocation or repeal. That all franchises, privileges, or concessions granted under this Act shall forbid the issue of stock or bonds except in exchange for actual cash, or for property at a fair valuation, equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the Philippine Islands or of the province or municipality within which such franchises are granted and exercised; *Provided further*, That it shall be unlawful for any corporation organized under this Act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of said islands, to use, employ, or contract for the labor of persons claimed or alleged to be held in involuntary servitude; and any person, company, or corporation so violating



the provisions of this Act shall forfeit all charters, grants, franchises, and concessions for doing business in said islands, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not less than ten thousand dollars.

SEC. 75. That no corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it is created, and every corporation authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed one thousand and twenty-four hectares of land; and it shall be unlawful for any member of a corporation engaged in agriculture or mining, and for any corporation organized for any purpose except irrigation, to be in any wise interested in any other corporation engaged in agriculture or in mining.

Corporations, however, may loan funds upon real-estate security and purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title. Corporations not organized in the Philippine Islands, and doing business therein, shall be bound by the provisions of this section so far as they are applicable.

#### COINAGE.

SEC. 76. That the government of the Philippine Islands is hereby authorized to establish a mint at the city of Manila, in said islands, for coinage purposes, and the coins hereinafter authorized may be coined at said mint. And the said government is hereby authorized to enact laws necessary for such establishment: *Provided*, That the laws of the United States relating to mints and coinage, so far as applicable, are hereby extended to the coinage of said islands.

SEC. 77. That the government of the Philippine Islands is authorized to coin, for use in said islands, a coin of the denomination of fifty centavos and of the weight of one hundred and ninety-two and nine-tenths grains, a coin of the denomination of twenty centavos and of the weight of seventy-seven and sixteen one-hundredths grains, and a coin of the denomination of ten centavos and of the weight of thirty-eight and fifty-eight one-hundredths grains, and the standard of said silver coins shall be such that of one thousand parts by weight nine hundred shall be of pure metal and one hundred of alloy, and the alloy shall be of copper.

SEC. 78. That the subsidiary silver coins authorized by the preceding section shall be coined under the authority of the government of the Philippine Islands in such amounts as it may determine, with the approval of the Secretary of War of the United States, from silver bullion purchased by said government, with the approval of the Secretary of War of the United States: *Provided*, That said government may in addition and in its discretion recoin the Spanish Filipino dollars and subsidiary silver coins issued under the authority of the Spanish Government for use in said islands into the subsidiary coins provided for in the preceding section at such rate and under such regulations as it may prescribe, and the subsidiary silver coins authorized by this section shall be legal tender in said islands to the amount of ten dollars.

SEC. 79. That the government of the Philippine Islands is also authorized to issue minor coins of the denominations of one-half centavo, one centavo, and five centavos, and such minor coins shall be legal tender in said islands for amounts not exceeding one dollar. The alloy of the five-centavo piece shall be of copper and nickel, to be composed of three-fourths copper and one-fourth nickel. The alloy of the one-centavo and one-half-centavo pieces shall be ninety-five per centum of copper and five per centum of tin and zinc, in such proportions as shall be determined by said government. The weight of the five-centavo piece shall be seventy-seven and sixteen hundredths grains troy, and of the one-centavo piece eighty grains troy, and of the one-half-centavo piece forty grains troy.

SEC. 80. That for the purchase of metal for the subsidiary and minor coinage, authorized by the preceding sections, an appropriation may be made by the government of the Philippine Islands from its current funds, which shall be reimbursed from the coinage under said sections; and the gain or seigniorage arising therefrom shall be paid into the treasury of said islands.

SEC. 81. That the subsidiary and minor coinage hereinbefore authorized may be coined at the mint of the government of the Philippine Islands at Manila, or arrangements may be made by the said government with the Secretary of the Treasury of the United States for their coinage at any of the mints of the United States, at a charge covering the reasonable cost of the work.

SEC. 82. That the subsidiary and minor coinage hereinbefore authorized shall bear devices and inscriptions to be prescribed by the government of the Philippine Islands, and such devices and inscriptions shall express the sovereignty of the United States, that it is a coin of the Philippine Islands, the denomination of the coin, and the year of the coinage.

SEC. 83. That the government of the Philippine Islands shall have the power to make all necessary appropriations and all proper regulations for the redemption and reissue of worn or defective coins and for carrying out all other provisions of this Act relating to coinage.

SEC. 84. That the laws relating to entry, clearance, and manifests of steamships and other vessels arriving from or going to foreign ports shall apply to voyages each way between the Philippine Islands and the United States and the possessions thereof, and all laws relating to the collection and protection of customs duties not inconsistent with the Act of Congress of March eighth, nineteen hundred and two, "temporarily to provide revenue for the Philippine Islands," shall apply in the case of vessels and goods arriving from said islands in the United States and its aforesaid possessions.

The laws relating to seamen on foreign voyages shall apply to seamen on vessels going from the United States and its possessions aforesaid to said islands the customs officers there being for this purpose substituted for consular officers in foreign ports.

The provisions of chapters six and seven, title forty-eight, Revised Statutes, so far as now in force, and any amendments thereof, shall apply to vessels making voyages either way between ports of the United States or its aforesaid possessions and ports in said islands; and the provisions of law relating to the public health and quarantine shall apply in the case of all vessels entering a port of the United States or its aforesaid possessions from said islands, where the customs officers at the port of departure shall perform the duties required by such law of consular officers in foreign ports.

Section three thousand and five, Revised Statutes, as amended, and other existing laws concerning the transit of merchandise through the United States, shall apply to merchandise arriving at any port of the United States destined for any of its insular and continental possessions, or destined from any of them to foreign countries.

Nothing in this Act shall be held to repeal or alter any part of the Act of March eighth, nineteen hundred and two, aforesaid, or to apply to Guam, Tutuila, or Manua; except that section eight of an Act entitled "An Act to revise and amend the tariff laws of the Philippine Archipelago," enacted by the Philippine Commission on the seventeenth of September, nineteen hundred and one, and approved by an Act entitled "An Act temporarily to provide revenues for the Philippine Islands, and for other purposes," approved March eighth, nineteen hundred and two, is hereby amended so as to authorize the Civil Governor thereof in his discretion to establish the equivalent rates

of the money in circulation in said islands with the money of the United States as often as once in ten days.

SEC. 85. That the treasury of the Philippine Islands and such banking associations in said islands with a paid-up capital of not less than two million dollars and chartered by the United States or any State thereof, as may be designated by the Secretary of War and the Secretary of the Treasury of the United States, shall be depositories of public money of the United States, subject to the provisions of existing law governing such depositories in the United States: *Provided*, That the treasury of the government of said islands shall not be required to deposit bonds in the Treasury of the United States, or to give other specific securities for the safe-keeping of public money except as prescribed, in his discretion, by the Secretary of War.

SEC. 86. That all laws passed by the government of the Philippine Islands shall be reported to Congress, which hereby reserves the power and authority to annul the same, and the Philippine Commission is hereby directed to make annual report of all its receipts and expenditures to the Secretary of War.

#### BUREAU OF INSULAR AFFAIRS.

SEC. 87. That the Division of Insular Affairs of the War Department, organized by the Secretary of War, is hereby continued until otherwise provided, and shall hereafter be known as the Bureau of Insular Affairs of the War Department. The business assigned to said Bureau shall embrace all matters pertaining to civil government in the island possessions of the United States subject to the jurisdiction of the War Department; and the Secretary of War is hereby authorized to detail an officer of the Army whom he may consider especially well qualified, to act under the authority of the Secretary of War as the chief of said Bureau; and said officer while acting under said detail shall have the rank, pay, and allowances of a colonel.

SEC. 88. That all Acts and parts of Acts inconsistent with this Act are hereby repealed.

HENRY CABOT LODGE,  
W. B. ALLISON,  
*Managers on the part of the Senate.*  
HENRY ALLEN COOPER,  
SERENO E. PAYNE,  
E. D. CRUMPACKER,  
*Managers on the part of the House.*

#### HOOR OF MEETING.

Mr. LODGE. I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning.  
The motion was agreed to.

#### SILAS STOTTS.

Mr. GALLINGER. On behalf of a member of the other House who is willing to take his chances in regard to a pension bill, I ask unanimous consent for the present consideration of the bill (H. R. 7105) granting an increase of pension to Silas Stotts.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Silas Stotts, late of Company H, Sixty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving, such pension to be paid to his duly constituted guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SETTLERS ON WAGON-ROAD LAND GRANTS.

Mr. BURTON. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. 11573) for the relief of settlers on lands granted in aid of the construction of wagon roads, to report it without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KEAN. Is there a report?  
Mr. MITCHELL. There is a report. I can explain the bill in a moment without reading the report, if the Senator will allow me.

Under existing law settlers on public lands who have settled within the limits of railroad grants are authorized to make an exchange, the railroad releasing to them and taking lands in other places. The bill is simply to extend that legislation to settlers within wagon-road grants, and there is no State in the Union which has any wagon-road grants but Oregon. It is therefore a local bill and a very just measure.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ANNE M. LUMAN.

Mr. MCCOMAS. I ask unanimous consent for the present consideration of the bill (H. R. 13617) granting an increase of pension to Anne M. Luman.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Anne M. Luman, widow of Theodore Luman, late first lieutenant and adjutant, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and to pay her a pension of \$15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LIZZIE DUNLAP.

Mr. SCOTT. I ask unanimous consent to call up the bill (H. R. 14087) granting a pension to Lizzie Dunlap.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on

the pension roll the name of Lizzie Dunlap, helpless and dependent daughter of James W. Dunlap, late of Company B, Two hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 1, 1902, at 11 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate June 30, 1902.*

##### ASSISTANT PAYMASTERS OF THE NAVY.

Donald W. Nesbit, a citizen of Missouri.  
Arthur M. Pippin, a citizen of New York.  
John S. Higgins, a citizen of Massachusetts.

##### RECEIVER OF PUBLIC MONEYS.

Edward A. Slack, of Wyoming, to be receiver of public moneys at Cheyenne, Wyo., his term having expired. (Reappointment.)

##### REGISTER OF LAND OFFICE.

A. H. Blair, of Wakeeney, Kans., to be register of the land office at Wakeeney, Kans., vice Isaac T. Purcell, term expired.

##### COLLECTOR OF CUSTOMS.

Charles F. Leach, of Ohio, to be collector of customs for the district of Cuyahoga, in the State of Ohio. (Reappointment.)

##### POSTMASTERS.

William T. Bedford, to be postmaster at Lasalle, in the county of Lasalle and State of Illinois, in place of Charles A. Coulter. Incumbent's commission expired May 4, 1902.

Susan C. Carpenter, to be postmaster at Fort Dodge, in the county of Webster and State of Iowa, in place of Susan C. Carpenter. Incumbent's commission expired June 23, 1902.

S. C. Lobaugh, to be postmaster at Harper, in the county of Harper and State of Kansas, in place of William E. Beeson. Incumbent's commission expires July 1, 1902.

Wilbur F. Pierce, to be postmaster at Forest, in the county of Hardin and State of Ohio, in place of Wilbur F. Pierce. Incumbent's commission expired June 22, 1902.

Lemuel G. Daffoe, to be postmaster at Alpena, in the county of Alpena and State of Michigan, in place of Lemuel G. Daffoe. Incumbent's commission expired January 21, 1902.

John J. Benz, to be postmaster at Parsons, in the county of Labette and State of Kansas, in place of Harry H. Lusk. Incumbent's commission expired June 7, 1901.

Henry D. Northway, to be postmaster at Midland, in the county of Midland and State of Michigan, in place of Henry D. Northway. Incumbent's commission expired May 6, 1902.

J. J. Bryan, to be postmaster at Black Rock, in the county of Lawrence and State of Arkansas, in place of Charles M. Lehman, resigned.

Levin J. Moore, to be postmaster at Bridgeville, in the county of Sussex and State of Delaware. Office becomes Presidential July 1, 1902.

Edward T. Cole, to be postmaster at Garrison, in the county of Putnam and State of New York. Office becomes Presidential July 1, 1902.

Branson R. Beeson, to be postmaster at Kernersville, in the county of Forsyth and State of North Carolina. Office becomes Presidential July 1, 1902.

Charles P. Kimball, to be postmaster at Bremerton, in the county of Kitsap and State of Washington. Office becomes Presidential July 1, 1902.

Lewis E. Hardy, to be postmaster at Kent, in the county of King and State of Washington. Office becomes Presidential July 1, 1902.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate June 30, 1902.*

##### SURVEYOR-GENERAL OF IDAHO.

Ernest G. Eagleson, of Boise, Idaho, to be surveyor-general of Idaho.

##### COLLECTOR OF CUSTOMS.

Charles F. Leach, of Ohio, to be collector of customs for the district of Cuyahoga, Ohio.

##### RECEIVERS OF PUBLIC MONEYS.

George O. Freeman, of Helena, Mont., to be receiver of public moneys at Helena, Mont.

Edward A. Slack, of Wyoming, to be receiver of public moneys at Cheyenne, Wyo.

##### REGISTERS OF THE LAND OFFICE.

Matthew R. Wilson, of Livingston, Mont., to be register of the land office at Bozeman, Mont.

William E. Chaplin, of Wyoming, to be register of the land office at Cheyenne, Wyo.

A. H. Blair, of Kansas, to be register of the land office at Wakeeney, Kans.

##### APPOINTMENTS IN THE NAVY.

*To be assistant paymasters with the rank of ensign.*

Donald W. Nesbit, of Missouri.

Arthur M. Pippin, of New York.

John S. Higgins, of Massachusetts.

##### POSTMASTERS.

L. H. Boyd, to be postmaster at Russell, in the county of Russell and State of Kansas.

Frank S. Myers, to be postmaster at Redfield, in the county of Spink and State of South Dakota.

John W. Matlick, to be postmaster at Keyser, in the county of Mineral and State of West Virginia.

Franklin B. Blue, to be postmaster at Grafton, in the county of Taylor and State of West Virginia.

James H. Neil, jr., to be postmaster at Shelbyville, in the county of Bedford and State of Tennessee.

Fred W. Willard, to be postmaster at Leavenworth, in the county of Leavenworth and State of Kansas.

R. M. Hamer, to be postmaster at Emporia, in the county of Lyon and State of Kansas.

William Budge, to be postmaster at Grand Forks, in the county of Grand Forks and State of North Dakota.

T. W. Cole, to be postmaster at Nelson, in the county of Nuckolls and State of Nebraska.

Edward H. Blanton, to be postmaster at Paris, in the county of Henry and State of Tennessee.

Carrie Newton, to be postmaster at Benwood, in the county of Marshall and State of West Virginia.

Carlos C. Bancroft, to be postmaster at Montpelier, in the county of Washington and State of Vermont.

David Larin, to be postmaster at Mayville, in the county of Traill and State of North Dakota.

James M. King, to be postmaster at White Bear Lake, in the county of Ramsey and State of Minnesota.

George B. Craft, to be postmaster at Bellefourche, in the county of Butte and State of South Dakota.

Anna L. Poole, to be postmaster at Carthage, in the county of Panola and State of Texas.

Jesse W. Lawton, to be postmaster at Arapaho, in the county of Custer and Territory of Oklahoma.

Chalmer R. Higdon, to be postmaster at Billings, in the county of Noble and Territory of Oklahoma.

Alfred A. True, to be postmaster at Highland, in the county of San Bernardino and State of California.

George A. Lemmon, to be postmaster at Thomaston, in the county of Litchfield and State of Connecticut.

Charles K. Bailey, to be postmaster at Bethel, in the county of Fairfield and State of Connecticut.

Leonard A. Millsbaugh, to be postmaster at Winfield, in the county of Cowley and State of Kansas.

Edward G. Armstrong, to be postmaster at Bartlett, in the county of Williamson and State of Texas.

William W. Ward, to be postmaster at Dayton, in the county of Columbia and State of Washington.

Burtis W. Johnson, to be postmaster at Corvallis, in the county of Benton and State of Oregon.

Lot Livermore, to be postmaster at Pendleton, in the county of Umatilla and State of Oregon.

Joshua Stevens, to be postmaster at Macon, in the county of Noxubee and State of Mississippi.

John G. Gorth, to be postmaster at Oconomowoc, in the county of Waukesha and State of Wisconsin.

Joseph H. Turner, to be postmaster at South Bend, in the county of Pacific and State of Washington.

Frank E. Fritcher, to be postmaster at Nashua, in the county of Chickasaw and State of Iowa.

Charles A. Parker, to be postmaster at West Rutland, in the county of Rutland and State of Vermont.

Henry Dryhurst, to be postmaster at Meriden, in the county of New Haven and State of Connecticut.

Wilburn M. McCoy, to be postmaster at Guthrie, in the county of Logan and Territory of Oklahoma.

Ira L. Kirk, to be postmaster at Bozeman, in the county of Gallatin and State of Montana.

Leroy H. Camp, to be postmaster at Laporte City, in the county of Black Hawk and State of Iowa.



J. Knox Corbett, to be postmaster at Tucson, in the county of Pima and Territory of Arizona.

Edward Hirsch, to be postmaster at Salem, in the county of Marion and State of Oregon.

Robert T. Bartley, to be postmaster at Ladonia, in the county of Fannin and State of Texas.

Gordon R. Badgerow, to be postmaster at Sioux City, in the county of Woodbury and State of Iowa.

John Q. Saint, to be postmaster at Marshalltown, in the county of Marshall and State of Iowa.

Thomas J. Coalter, to be postmaster at Flagstaff, in the county of Coconino and Territory of Arizona.

Jonathan McGrath, to be postmaster at Woodward, in the county of Woodward and Territory of Oklahoma.

Homer N. Boyle, to be postmaster at McGregor, in the county of Clayton and State of Iowa.

Winthrop A. Hayes, to be postmaster at Rochester, in the county of Oakland and State of Michigan.

Marion A. Humphreys, to be postmaster at Salisbury, in the county of Wicomico and State of Maryland.

John L. Clark, to be postmaster at Kenton, in the county of Hardin and State of Ohio.

Moses C. McMurry, to be postmaster at Saybrook, in the county of McLean and State of Illinois.

Sylvanus S. Thompson, to be postmaster at Marseilles, in the county of LaSalle and State of Illinois.

Mark L. Harper, to be postmaster at Eureka, in the county of Woodford and State of Illinois.

Elbridge Nash, to be postmaster at South Weymouth, in the county of Norfolk and State of Massachusetts.

Byron Truell, to be postmaster at Lawrence, in the county of Essex and State of Massachusetts.

John A. Thayer, to be postmaster at Attleboro, in the county of Bristol and State of Massachusetts.

Catharine A. Endsley, to be postmaster at Somerset, in the county of Somerset and State of Pennsylvania.

William M. Powell, to be postmaster at Hazleton, in the county of Luzerne and State of Pennsylvania.

Louis C. Hyde, to be postmaster at Springfield, in the county of Hampden and State of Massachusetts.

William W. Scott, to be postmaster at Canal Dover, in the county of Tuscarawas and State of Ohio.

Wilbert C. Davis, to be postmaster at Wapakoneta, in the county of Auglaize and State of Ohio.

Robert V. Jones, to be postmaster at Sidney, in the county of Shelby and State of Ohio.

Charles T. La Cost, to be postmaster at Bryan, in the county of Williams and State of Ohio.

William H. Frater, to be postmaster at Upper Sandusky, in the county of Wyandot and State of Ohio.

Robert F. Dent, to be postmaster at New Comerstown, in the county of Tuscarawas and State of Ohio.

John Vogt, to be postmaster at Deshler, in the county of Henry and State of Ohio.

Charles J. Thompson, to be postmaster at Defiance, in the county of Defiance and State of Ohio.

Edmund L. Vale, to be postmaster at Columbus Grove, in the county of Putnam and State of Ohio.

James B. Fisher, to be postmaster at Marion, in the county of Marion and State of Ohio.

Henry S. Enck, to be postmaster at Leipsic, in the county of Putnam and State of Ohio.

Alonzo L. Jones, to be postmaster at Greenville, in the county of Darke and State of Ohio.

James H. Fluhart, to be postmaster at Continental, in the county of Putnam and State of Ohio.

Reuel W. Norton, to be postmaster at Kennebunk Port, in the county of York and State of Maine.

Eliza B. Lockwood, to be postmaster at Bedford, in the county of Cuyahoga and State of Ohio.

Charles H. Whitaker, to be postmaster at North Conway, in the county of Carroll and State of New Hampshire.

Oliver H. P. Green, to be postmaster at Orion, in the county of Oakland and State of Michigan.

Harry W. Hawkins, to be postmaster at Sycamore, in the county of Wyandot and State of Ohio.

Nellie M. Thiriot, to be postmaster at Park City, in the county of Summit and State of Utah.

Horace H. Dubendorff, to be postmaster at Alamosa, in the county of Conejos and State of Colorado.

Kenneth E. Struble, to be postmaster at Shepherd, in the county of Isabella and State of Michigan.

Jesse H. Roberts, to be postmaster at Downingtown, in the county of Chester and State of Pennsylvania.

James M. Worrall, to be postmaster at Kennett Square, in the county of Chester and State of Pennsylvania.

Thomas H. Davis, to be postmaster at Ogden, in the county of Weber and State of Utah.

Harry G. Smith, to be postmaster at West Chester, in the county of Chester and State of Pennsylvania.

Samuel Keat, to be postmaster at Pen Argyl, in the county of Northampton and State of Pennsylvania.

Richard M. Hunt, to be postmaster at Houtzdale, in the county of Clearfield and State of Pennsylvania.

Harry D. Patch, to be postmaster at Wilmerding, in the county of Allegheny and State of Pennsylvania.

John Scher, jr., to be postmaster at Dushore, in the county of Sullivan and State of Pennsylvania.

Edgar J. Graff, to be postmaster at Blairsville, in the county of Indiana and State of Pennsylvania.

Simon Frankle, to be postmaster at Chicora, in the county of Butler and State of Pennsylvania.

William W. Henderson, to be postmaster at Brookville, in the county of Jefferson and State of Pennsylvania.

James D. Ames, to be postmaster at Hawley, in the county of Wayne and State of Pennsylvania.

George W. Wright, to be postmaster at Elizabeth, in the county of Allegheny and State of Pennsylvania.

Samuel J. Matthews, to be postmaster at Olyphant, in the county of Lackawanna and State of Pennsylvania.

Alfred Turtle, to be postmaster at Crafton, in the county of Allegheny and State of Pennsylvania.

John J. Benz, to be postmaster at Parsons in the State of Kansas.

Samuel M. Johnson, to be postmaster at Carson, in the county of Pottawattamie and State of Iowa.

Henry J. Jones, to be postmaster at Elko, in the county of Elko and State of Nevada.

James M. Vernon, to be postmaster at Everett, in the county of Snohomish and State of Washington.

#### IMPORT DUTIES IN ZANZIBAR.

The injunction of secrecy was removed by the Senate from the following treaty June 30, 1902:

A treaty with Great Britain concerning the establishment of import duties in Zanzibar, signed at Washington May 31, 1902.

#### HOUSE OF REPRESENTATIVES.

MONDAY, June 30, 1902.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10824. An act granting an increase of pension to George E. Bump;

H. R. 8644. An act granting a pension to John W. Thomas;

H. R. 6501. An act to provide for the sale of the unsold portion of the Umatilla Indian Reservation;

H. R. 10775. An act for the relief of Charles E. Sapp;

H. R. 12026. An act granting an increase of pension to Baley W. Small;

H. R. 11273. An act to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, \$430.42 for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.;

H. R. 2487. An act granting an increase of pension to William S. Hosack; and

H. R. 15003. An act to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at a point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township.

#### EMPLOYMENT, DUTIES, AND COMPENSATION OF EMPLOYEES OF THE HOUSE.

Mr. JOY. Mr. Speaker, I desire to present a privileged report from the Committee on Accounts.

The SPEAKER. The report will be read by its title.

The Clerk read as follows:

Statements of the Clerk, Doorkeeper, Sergeant-at-Arms, and Postmaster of the House, and the Superintendent of the Capitol Buildings and Grounds, submitted to the Committee on Accounts, pursuant to the provisions of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, approved March 3, 1901, and letters of the Committee on Accounts to said officers relative to the employment, duties, and compensation of employees of the House.

The SPEAKER. The Chair understands this report is required by the law.

Mr. JOY. I ask that it be printed as a House document.

Mr. BARTLETT. Mr. Speaker, I have simply to say that this report is made in compliance with the resolution of the House passed last session of Congress, and in view of the fact of the committee being unable to get a quorum lately, and in view of the further fact of the continued illness of our chairman, we have not been able to make any fuller report. We hope, however, to make it complete and full at the next session of Congress.

The SPEAKER. This will be printed as a House document.

#### CONFERENCE REPORTS AND STATEMENTS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the rule lately adopted requiring that a conference report and statement be printed in the RECORD the day before it is acted upon be suspended during the remainder of the session.

The SPEAKER. The gentleman from New York asks unanimous consent that what is known as the Hepburn rule, requiring the printing of conference reports and statements in the RECORD before being acted upon, be suspended during the remainder of the session.

Mr. RICHARDSON of Tennessee. Reserving the right to object, I make a parliamentary inquiry. As I understand, that rule would not be operative in the last six days of the session.

Mr. PAYNE. The rule so provides.

The SPEAKER. That is the understanding of the Chair. The rule, as the Chair recollects, is suspended during the last six days of the session.

Mr. RICHARDSON of Tennessee. Then if the day was fixed for adjournment, it would not apply.

The SPEAKER. Neither the Chair nor the House can tell until the resolution of adjournment is passed.

Mr. RICHARDSON of Tennessee. I shall object to this request.

The SPEAKER. The gentleman from Tennessee objects.

#### PRIVATE CORPORATIONS IN ALASKA.

The SPEAKER. The Clerk will read the unfinished business. The Clerk read as follows:

The bill (S. 6139) to provide for the organization of private corporations in the district of Alaska.

Mr. WARNER. Mr. Speaker, I send to the desk an amendment which I offer to the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to say that I reserved a point of order if the bill requires consideration in the Committee of the Whole. With that statement, I have no objection to the amendment being read.

The Clerk read the amendment, as follows:

Amend S. 6139 as follows: Strike out all after the enacting clause and insert: "That section 54 of chapter 5 of title 2 of an act entitled 'An act making further provision for a civil government for Alaska, and for other purposes,' approved June 6, 1900, be, and is hereby, amended so as to read as follows:

"SEC. 54. All the forms of pleading heretofore existing in actions at law and suits in equity are abolished, and hereafter the forms of pleading in causes in law and equity in courts of record and the rules by which the sufficiency of such pleadings is to be determined shall be those prescribed by this code."

"SEC. 2. That section 409 of chapter 45 of title 2 be amended so as to read as follows:

"SEC. 409. In an action for the dissolution of the marriage contract the plaintiff therein must be an inhabitant of the district at the commencement of the action and for one year prior thereto, which residence shall be sufficient to give the court jurisdiction without regard to the place where the marriage was solemnized or the cause of action arose."

"SEC. 3. That section 201 of chapter 21 of title 2 be amended so as to read as follows:

"SEC. 201. The council shall have the following powers:

"First. To provide suitable rules governing their own body and to elect one of their members president, who shall be ex officio mayor.

"Second. To appoint, and at their pleasure remove, a clerk, treasurer, assessor, municipal attorney, police, and such other officers as they deem necessary.

"Third. To make rules for all municipal elections, for the appointment of election officials, and to provide for their duties and powers, and to provide suitable penalties for violation of such election rules: *Provided*, That no officer shall be elected for a longer term than one year.

"Fourth. By ordinance to provide for necessary street improvements, sidewalks, cross walks, and sewerage. The cost of all or any part of such improvements may be collected by assessment and levy against abutting property, which assessment shall be a lien upon all such property assessed: *Provided*, That a majority of such property holders consent, by petition or otherwise, to such improvements.

"Fifth. By ordinance to provide for fire protection, water supply, lights, wharfage, maintenance of public schools, protection of public health, police protection, and the expenses of assessment and collection of taxes.

"Sixth. By ordinance to provide for the assessment and collection of a poll tax on all male residents between the ages of 21 and 60 years, and to impose a fine and penalty for refusal, neglect, or failure to pay such tax: *Provided*, That all members in good standing of any regular organized volunteer fire company may be exempt.

"Seventh. By ordinance to provide for taxing of dogs, and to provide for impounding and destroying all dogs upon which such tax is not paid.

"Eighth. By ordinance to provide for the assessment and levy of a general tax on real property, possessory rights, and improvements, and to impose a penalty for its nonpayment; and all such taxes shall be a preferred lien upon the property so taxed, which lien may be foreclosed and the property sold as provided by chapter 42, Civil Code of Procedure: *Provided*, That the council may exempt from taxation all public property belonging to the municipality and all church property used exclusively for public religious worship.

"Ninth. By ordinance to provide for the assessment and levy of a tax on personal property and a penalty for its nonpayment, and to provide for the distraint and sale of sufficient goods and chattels belonging to the person charged with such tax to satisfy the same: *Provided*, That there shall be exempt from such assessment to each householder or head of a family household goods, of which such person is the bona fide owner, not exceeding \$200 in value.

"Tenth. By ordinance to impose such license tax on business conducted within the corporate limits as the council shall deem reasonable, and to provide for its collection by fine and penalty, as for violation of other ordinances: *Provided*, That the general exemptions provided for in chapter 31, Civil Code of Procedure for the district of Alaska, shall not apply to any tax lawfully levied against any property, as provided for in this chapter: *Provided further*, That no such property tax as herein provided for shall exceed 2 per cent on the assessed valuation of the property; and all assessments made by the corporation assessor shall be subject to review by the council, and appeals may be taken from their decision to the district court. No bonded indebtedness whatever shall be authorized for any purpose.

"Eleventh. By ordinance to provide reasonable punishment for the violation of municipal ordinances by a fine not exceeding \$200 or imprisonment in the municipal jail for a term not exceeding ninety days, or both, for each violation.

"Twelfth. To provide for the election of a municipal magistrate who shall have power to hear and determine causes arising under the ordinances of such corporation, and to punish violations of such ordinances: *Provided*, That all sentences of imprisonment imposed by said municipal magistrate shall be served in the municipal jail without expense to the Government of the United States. All appeals to the district court from the judgments of such municipal magistrate shall be governed by the laws relating to appeals from the judgments of commissioners acting as justices of the peace. Such municipal magistrate shall receive a salary to be fixed by the council, and no fees or other compensation whatever; and all judgments imposed by said magistrate and collected shall be turned over to the treasurer of the corporation and applied to the use and benefit of the municipality as the council may direct."

"SEC. 4. That section 203 of chapter 21 of Title III, as amended by the act approved March 3, 1901, be amended so as to read as follows:

"SEC. 203. The treasurer of the corporation shall be ex officio treasurer of the school board, and shall, before entering upon the duties of his office, take the oath prescribed by law and execute bond to the corporation in an amount to be determined by the judge of the district court, which bond shall be approved by the council and the judge of the district court and filed in the office of the clerk of the corporation, and he shall give such additional bond as the council or judge of the district court may from time to time direct, but in no event shall such bond be less than twice the amount of money in the hands of the treasurer at any one time, to be determined by the tax rolls and license books of the corporation, and of the clerk of the district court: *Provided*, That all license moneys provided for by act of Congress approved March 3, 1899, entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," and any amendments made thereto, required to be paid by any resident, person, or corporation for business carried on within the limits of any incorporated town, and collected by the clerk of the court, shall be paid over by the clerk of the United States district court receiving the same to the treasurer of such corporation, to be used for municipal and school purposes in such proportions as the court may order, but not more than 50 per cent nor less than 25 per cent thereof shall be used for school purposes, the remainder thereof to be paid to the treasurer of the corporation for the support of the municipality, and the clerk of said court shall take said treasurer's receipt therefor, in triplicate, one of which receipts shall be forwarded to the Secretary of the Treasury, another to the Attorney-General, and the other shall be retained by the clerk: *Provided*, That 50 per cent of all license moneys provided for by said act of Congress approved March 3, 1899, and any amendments made thereto, that may hereafter be paid for business carried on outside incorporated towns in the district of Alaska, and covered into the Treasury of the United States, shall be set aside to be expended, so far as may be deemed necessary by the Secretary of the Interior, within his discretion and under his direction, for school purposes outside incorporated towns in said district of Alaska."

"SEC. 5. That title 3 of said act be amended by adding thereto the following:

#### "CHAPTER 37.

##### "OF THE FORMATION OF PRIVATE CORPORATIONS.

"SECTION 1. That three or more adult persons, bona fide residents of the district of Alaska, may form a corporation in the manner and subject to the limitations provided in this chapter for the following purposes, to wit:

"First. To construct, own, and operate railroads, tramways, street railways, wagon roads, canals, flumes, and telegraph and telephone lines in Alaska.

"Second. To acquire, hold, and operate mines in Alaska.

"Third. To carry on the fishery industry in all its branches in Alaska and in the waters contiguous and adjacent thereto.

"Fourth. To construct and operate smelters, electric and other power and lighting plants, docks, wharves, elevators, warehouses, and hotels in Alaska.

"Fifth. To carry on trade, transportation, agriculture, lumbering, and manufacturing in Alaska.

"SEC. 2. That any three or more persons who may desire to form a corporation for one or more of the purposes specified in the preceding section shall make and subscribe written articles of incorporation in triplicate and acknowledge the same before any officer authorized to take the acknowledgment of deeds, and file one of such articles in the office of the secretary of the district of Alaska, and another in the office of the clerk of the district court of the recording division in which the principal place of business of the company is intended to be located, and retain the third in the possession of the corporation, and each copy so filed shall be recorded by the officer with whom filed in a book to be kept by him for that purpose.

"Said articles shall contain and state:

"First. The name of the corporation, the nature and character of the business, and the principal place of transacting the same.

"Second. The time of commencement and the period of continuance of said corporation, which shall not exceed fifty years.

"Third. The amount of capital stock of said corporation, and how the same shall be paid in, and the number and par value of the shares.



"Fourth. The highest amount of indebtedness or liability to which said corporation shall at any time be subject.

"Fifth. The names and places of residence of the persons forming such corporation.

"Sixth. The names of the first board of trustees, and in what officers or persons the government of the corporation and the management of the affairs shall be vested, and when the same are elected and their terms of office.

"Seventh. Said articles of incorporation may be amended when authorized by a vote of the majority of the stock given at a regular meeting of the stockholders. Such amended articles shall be executed and acknowledged by the board of directors, or a majority of them, and shall be filed in the same places and manner as the original articles.

"Sec. 3. That a copy of any articles of incorporation filed pursuant to this chapter, and certified by the clerk of the district court in which the same is filed, or one of his deputies, or by the secretary of the district of Alaska, shall be received as prima facie evidence of the facts therein stated.

"Sec. 4. That when the articles of incorporation have been filed and recorded, the persons who have executed and acknowledged the same, and their successors, shall be a body corporate and politic in fact and in law under the name stated in the articles of incorporation, and by such corporate name shall have succession for the period limited in this chapter and shall have power—

"(a) To sue and to be sued in any court having jurisdiction;

"(b) To make and use a common seal, and alter the same at pleasure;

"(c) To purchase, hold, mortgage, sell, and convey real and personal property, except stock in other corporations, subject to the limitation hereinafter prescribed;

"(d) To appoint such officers, agents, and servants as the business of the corporation shall require, to define their powers, prescribe their duties, and fix their compensation;

"(e) To require of them such security as may be thought proper for the fulfillment of their duties, and to remove them at will, except that no director shall be removed from office unless by a vote of two-thirds of the stockholders;

"(f) To make by-laws not inconsistent with the laws of the district of Alaska and the laws and Constitution of the United States;

"(g) To manage its property, regulate its affairs, transfer its stock, and to carry on all kinds of business within the objects and purposes of the corporation as expressed in the articles of incorporation.

"Sec. 5. That all private corporations incorporated under this chapter, and all corporations or joint stock companies organized under the laws of the United States, or the laws of any State or Territory of the United States, and authorized to do business in the district of Alaska, shall have the right to acquire and hold only such real estate as may be necessary to carry on their corporate business.

"Sec. 6. That the corporate powers of the corporation shall be exercised by a board of not less than three directors who shall be stockholders in the corporation, a majority of whom shall be residents of the district of Alaska, who shall, before entering upon the duties of their office, severally take and subscribe an oath to faithfully perform their duties as such directors, and who shall, after the expiration of the terms of the directors first elected, be annually elected by the stockholders at such time and place within the district of Alaska and upon such notice and in such manner as shall be directed by the by-laws or articles of incorporation of the corporation; but all elections shall be by ballot, and each stockholder, either in person or by proxy, shall be entitled to as many votes as he may own or represent shares of stock, and the person or persons receiving a majority of the votes of all the shares of stock voted, a majority of the stock being represented, shall be a director or directors. Whenever any vacancy shall happen among the directors by death, resignation, or otherwise, except by removal and the election of a successor, it shall be filled by appointment of the board of directors for the unexpired term of such vacancy.

"Sec. 7. That if it shall happen at any time that an election of directors shall not be made on the day designated by the by-laws or articles of incorporation of the corporation, the corporation shall not for that reason be dissolved, but it shall be lawful on any other day after due notice, prescribed by the by-laws, to hold an election for directors in such manner as shall be provided for in the by-laws or articles of the corporation, and all directors duly elected shall hold their offices until their successors are elected and qualified.

"Sec. 8. That a majority of the whole number of the directors shall form a quorum of the board of directors for the transaction of business, and every decision of a majority of the directors duly assembled as a board shall be valid as a corporate act.

"Sec. 9. That, except as otherwise provided in the articles of incorporation or by-laws of the corporation, the first and all subsequent meetings of the directors shall be called by a notice signed by one or more persons named as directors in the certificate, or their successors, setting forth the time and place of the meeting, which notice shall be delivered personally to each director if he resides in Alaska, and published at least twenty days in some newspaper of general circulation at or nearest the principal place of business of the corporation and in the district of Alaska.

"Sec. 10. That the stock of the corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the articles of incorporation or the by-laws of the corporation; but no transfer shall be valid except between the parties thereto until the same shall have been entered upon the books of the corporation so as to show the names of the parties, by and to whom transferred, the numbers and designation of the shares, and the date of transfer.

"The stockholders of any corporation formed under this chapter may, in the by-laws or articles of the corporation, prescribe the times, manner, and amounts in which payments of the stock subscribed by them, respectively, shall be made; but in case the same shall not be so prescribed, the directors shall have the power to demand and call in from the stockholders the sum or sums unpaid of the stock subscribed for or taken at such time, and in such manner, payments or installments, as they may deem proper. In all cases sixty days' notice of each assessment shall be given to the stockholders personally or by registered letter, if his post-office address is known to any officer of the corporation, and by publication, weekly, for eight consecutive weeks, in some newspaper of general circulation published at or nearest to the principal place of business of the corporation in the district of Alaska. If, after such notice has been given, any stockholder shall make default in the payment of assessments upon the shares held by him, so many of said shares may be sold as will be necessary for the payment of the assessments upon all shares held by him, her, or them at that time. The sale of such shares shall be made as prescribed in the articles or by-laws of the corporation, but shall in no case be made at the office of the corporation. No sale shall be made except at public auction, to the highest bidder, after notice given as in the case of notices of assessment; and at such sale the person who shall pay the assessment so due, together with the expenses of advertising and sale, for the smallest number of shares or portion of a share, as the case may be, shall be deemed the highest bidder. *Provided*, That after the delivery of the certificates of stock to the stockholders no call shall be made at

any one time for more than 10 per cent of the par value of the stock, and that calls shall not be made oftener than once in thirty days, unless otherwise provided in the articles of incorporation.

"Sec. 11. That whenever any stock is held by a person as executor, administrator, guardian, trustee, or in any other such representative capacity, he shall represent such stock at all meetings of the corporation, and may vote accordingly as a stockholder in person or by proxy.

"Sec. 12. That any stockholder may pledge his stock by delivery of the certificate or other evidence of his interest, but may nevertheless represent the same at all meetings and vote as a stockholder.

"Sec. 13. That it shall not be lawful for the directors to make any dividend in new or additional stock, or to make any dividend, except from the net profits arising from the business of the corporation, or to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the corporation, or to reduce the capital stock of the corporation unless in the manner prescribed in this chapter or in the articles or amended articles of incorporation or by-laws; and in case of any violation of the provisions of this section the directors under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the board of directors at the time, or were not present when the same did happen, shall, in their individual or private capacities, be jointly and severally liable to the corporation and the creditors thereof, in event of its dissolution, to the full amount so divided or reduced or paid out: *Provided*, That this section shall not be construed to prevent a division and distribution of the capital stock of the corporation which shall remain after the payment of all its debts upon the dissolution of the corporation or the expiration of its charter.

"Sec. 14. That no corporation shall issue any of its stock, except in consideration of money, labor, or property estimated at its true money value. Each and every stockholder shall be personally liable to the creditors of the company for the amount that remains unpaid upon the par value of his stock.

"Sec. 15. That no person holding stock as an executor, administrator, guardian, or trustee, or holding it as collateral security, or in pledge, shall be personally subject to any liability as a stockholder of the corporation; but the person pledging the stock shall be considered as holding the same and shall be liable as a stockholder and the estate and funds of the owner of stock in the hands of an executor, administrator, guardian, or trustee holding the stock shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in the trust fund would have been if he or she had been living and competent to act and hold the stock in his or her name.

"Sec. 16. That every corporation organized under this chapter shall, within one month after filing articles of incorporation, adopt a code of by-laws for its government, and shall have its principal office in the district of Alaska and keep in such office its general and principal books of account, including its stock books and record books, and its principal managing officer or superintendent shall reside within the district of Alaska. Every such corporation shall keep correct and complete books of account of its business, and a correct and complete record of all its proceedings, including such as relate to the election of its officers. Every such corporation shall also keep a book containing the names of its stockholders ever since its organization, showing the place of residence, amount of stock held, the amount paid on such stock, and time of transfer of stock. The books of every such corporation shall, at all reasonable times, be open to the inspection of stockholders.

"Sec. 17. That any corporation created under this chapter may, subject to the provisions of the same, increase or diminish its capital stock to any amount within the limits fixed by the articles or amended articles of incorporation; but before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts or liabilities shall exceed the sum to which the capital stock is proposed to be diminished, such amount shall be satisfied and reduced so as not to exceed the diminished amount of capital stock.

"Sec. 18. That whenever it is desired to increase or diminish the amount of capital stock, a meeting of the stockholders shall be called by a notice signed by at least a majority of the directors and published weekly at least eight consecutive weeks in some newspaper of general circulation published at or nearest the principal place of business of the corporation in the district of Alaska, which notice shall specify the object of the meeting, the time and place where it is to be held, and the amount to which it is proposed to raise or diminish the capital stock; and a vote of two-thirds of all the shares of stock shall be necessary to increase or diminish the amount of capital stock.

"If at any meeting so called a sufficient number of votes have been given in favor of increasing the amount of capital stock a certificate of the proceedings, showing a compliance with these provisions, the amount of the capital stock actually paid in, the whole amount of debts and liabilities of the company, and the amount to which the capital stock is to be increased or diminished shall be made out, signed, and verified by the affidavit of the presiding officer and secretary of the meeting, certified to by a majority of the directors, and filed and recorded as articles of incorporation are required to be filed and recorded by section 2 of this chapter.

"Sec. 19. That in like manner as provided in the preceding sections, and upon such additional notices as may be provided in the articles of incorporation or by-laws, any of the general provisions of the articles of incorporation may be amended and upon like vote, unless a different vote be required in the articles of incorporation; but such amended articles must be filed and recorded as prescribed in section 2 of this chapter.

"Sec. 20. That every corporation of the district of Alaska shall, on or before the 1st day of September of each year, file in the office of the clerk of the district court of the recording division where its principal office is located a list containing the names of its principal officers, including the officers mentioned in subdivision 1 of section 46 of the code of civil procedure for the district of Alaska, and whenever any such officers are changed or substituted shall, within thirty days after such change or substitution, file a notice thereof in like manner with such clerk.

"Sec. 21. That any corporation organized under this chapter, when no other mode is specially provided, may, when its debts and liabilities are duly paid or secured, dissolve by a written resolution to that effect, at a meeting of the stockholders specially called for that purpose, by a vote of the owners of at least two-thirds of the stock of the corporation. One copy of such resolution, together with a certificate thereto attached signed by the president and secretary, or, if none, the corresponding officers, and sealed with the corporate seal, stating the facts that all the debts and liabilities of the corporation have been duly paid or secured, and the fact and date of the adoption of such resolution, and that the same is a true copy of the original, the whole number of shares of stock, the shares of stock whose owners voted for its adoption, shall be filed and recorded as articles of incorporation are required to be filed and recorded under section 2 of this chapter. Thereupon the corporation shall cease to exist except for the winding up of its affairs.

"Sec. 22. That all corporations whose terms of existence shall expire by their own limitations, or which shall be voluntarily dissolved in the manner provided in the preceding section, or which shall be dissolved by the judgment of court, shall nevertheless continue to be bodies corporate for three years thereafter for the purpose of prosecuting and defending actions, and

for enabling them to settle up and close their business, pay their debts, dispose of and convey their property, and divide their assets, but for no other purpose; and when any corporation shall be so dissolved, the directors or managers of the affairs of such corporation at the time of its dissolution, by whatever name they shall be known, shall, subject to the power of any court of competent jurisdiction to make in any case a different provision, continue to act as such during said term, and shall be deemed the legal administrators of such corporation, with full power to settle its affairs, pay its debts, sell or dispose of or convey all of its property, both real and personal, collect the outstanding debts, and, after paying the debts due and owing by such corporation at the time of its dissolution and the costs of such administration, divide the residue of the money and other property among the stockholders thereof.

"SEC. 23. That the president, secretary, and treasurer of any corporation organized under the provisions of this chapter shall annually, under their signatures and oaths, make out and publish weekly, for three successive weeks, in a newspaper of general circulation in the district of Alaska, a joint statement showing: First, the number of shares of capital stock outstanding; second, the amount paid in on each share of stock; third, the actual paid-up capital of the corporation; fourth, the just cash value of the property of the corporation and the character and nature of the same; fifth, the debts and liabilities of the corporation and for what the same were incurred; sixth, the salaries paid each and every officer, manager, and superintendent of the corporation during the preceding year; and, seventh, the increase or decrease, if any, of the stock, the capital, and the liabilities of the corporation during the preceding year."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to make points of order against the consideration of this bill. The bill, Mr. Speaker, is claimed to be in order, as I understand it, because it is a Senate bill laid before the House by the Speaker, and that there is a House bill substantially the same as this bill which has been reported from a committee of the House. That I understand to be the situation. After we have got to that point, I understand the gentleman from Illinois [Mr. WARNER] presents a substitute for the House bill reported by the Committee on Revision of the Laws, with the claim that the substitute is also substantially the same as the Senate bill. Now, the first point of order I make is that this bill, relating alone to the Territory of Alaska, should have gone to the Committee on Territories, and not to another committee of the House. It is a very long bill, as the Speaker doubtless has observed. It puts us in the attitude now of being called upon to state objections to the substitute when we have not been able to see it, except as it was printed in the RECORD. I have not seen the House bill, but it is claimed it is identical with the Senate bill, nor have I been able to get the Senate bill.

If the bill should have gone to the Committee on Territories, I make that point of order. Secondly, the substitute which the gentleman has offered for the House bill, and which he claims is substantially the same as the bill that passed the Senate, certainly should be considered in Committee of the Whole, for it provides for the levying of taxes in the District of Alaska, and provides for licenses, and makes the disposition of the money received from those sources. It gives a part of it to the public schools of the Territory of Alaska, and it seems to me that a bill of this magnitude ought to be considered in Committee of the Whole.

It is not so much a revision of the law, but it makes the law for the government not only for corporations in the Territory of Alaska but, as I state, for the levy and appropriation of the taxes of the Territory in the district of Alaska. It provides for licenses, municipal taxes, etc., and the support of public schools.

In the fourth clause of section 3, as printed in the RECORD, it provides for necessary street improvements, sidewalks, cross walks, and sewerage. In the fifth clause it provides for fire protection, water supply, light, wharfage, maintenance of public schools, protection of the public health, police protection, and the expenses of assessment and collection of taxes. In the sixth clause it provides for the assessment and collection of a poll tax on all male residents between the ages of 21 and 60 years, and a fine and penalty for refusal, neglect, or failure to pay such tax. Seventh, it provides for the taxing of dogs, and for the impounding and destroying all dogs upon which such tax is not paid. In the eighth clause for the levy of a general tax on real property, and imposes a penalty for its nonpayment. The ninth clause provides for the assessment and levying of a tax on personal property and a penalty for its nonpayment, and to provide for the distraint and sale of sufficient goods and chattels belonging to the person charged with such tax to satisfy the same.

Now, all of these sections providing for the levying and collection of taxes from the people, it seems to me, would bring the bill within the rule which requires that it first should be considered in Committee of the Whole. The bill may be meritorious, but we ought not to consider it in this manner, involving as much as it does. Therefore I make the two points of order—first, that it should have gone to the Committee on Territories and not the Committee on the Revision of the Laws, which has not jurisdiction of this question, and the next is that it should have consideration in the Committee of the Whole. That being true, it is not in order to be considered when laid before the House by the Speaker in the transaction of the morning business.

The SPEAKER. The Chair would be glad to hear from the

gentleman from Illinois [Mr. WARNER], unless the gentleman from Illinois [Mr. CANNON] wishes to call up a conference report.

#### CONFERENCE REPORT ON GENERAL DEFICIENCY BILL.

Mr. CANNON. I should be glad to call up the conference report, Mr. Speaker, on the general deficiency bill.

The SPEAKER. The pending bill will be laid aside for that purpose.

Mr. CANNON. I ask unanimous consent that the reading of the report be dispensed with, and that only the statement of the House conferees be read.

There being no objection, it was ordered accordingly, and the statement of the House conferees as published in the House proceedings of June 28 was read.

The SPEAKER. The first question is on agreeing to the report.

The report was agreed to.

On motion of Mr. CANNON, a motion to reconsider the vote just taken was laid on the table.

Mr. CANNON. Mr. Speaker, I now move that the House further insist on its disagreement to the Senate amendments still undisposed of and ask for a conference.

Mr. ALEXANDER. I ask that the House recede from its disagreement to amendment No. 8 and concur in the same.

The SPEAKER. The gentleman from New York [Mr. ALEXANDER] asks for a separate vote on amendment No. 8. Is a separate vote demanded on any other amendment?

Mr. FINLEY. I ask a separate vote on amendment No. 9.

Mr. BURTON. Mr. Speaker, I may desire to ask for a separate vote on amendment No. 34. I wish to inquire of the gentleman from Illinois [Mr. CANNON] whether upon the amendment appropriating \$25,000 for the Ohio River between Mound City and Cairo the Senate conferees concurred in the suggestion that there be added the words "and such expenditure is required in the interest of navigation?"

Mr. CANNON. I will say to the gentleman that that action of the Senate has not been concurred in, nor has the proposition which the gentleman refers to been considered in conference. As this is a matter that concerns the jurisdiction of the Committee on Rivers and Harbors, I should be very glad (although it is a question that might possibly be worked out in conference) if the gentleman would make a motion, when the question is reached, that the House concur in that amendment.

Mr. BURTON. Mr. Speaker, then I ask a separate vote on amendment No. 34.

Mr. CANNON. Now, Mr. Speaker, I believe there ought to be a separate vote on amendment No. 26. I want to deal fairly with the House. That is the amendment appropriating \$1,000,000 as a gift to Hawaii. It is an amendment of some importance, and it seems to me the question ought to be considered and determined by the House, so that if nobody else asks for a separate vote on that question, I will ask for one.

Mr. POWERS of Maine. I rose a moment ago to ask about the amendment that the gentleman from Illinois [Mr. CANNON] has been speaking about—the million-dollar appropriation for Hawaii.

Mr. CANNON. Does not the gentleman think it wise that there should be a separate vote on that?

Mr. POWERS of Maine. I do, especially as the matter now stands.

Mr. SULZER. What is that million-dollar appropriation for?

Mr. CANNON. I will explain the matter when we reach it. But I will say briefly now that it is alleged that Hawaii has been at very great expense in stamping out the bubonic plague. This amendment in consideration of that makes Hawaii a gift of \$1,000,000 out of the Treasury, and authorizes that Territory to issue bonds for the balance.

The SPEAKER. Separate votes are demanded on amendments 8, 9, 26, and 34. The question is, first, on the motion of the gentleman from Illinois, that the House insist upon its disagreement to the other amendments.

The motion was agreed to.

The SPEAKER. The question is now upon concurring in amendment No. 8 on which the gentleman from New York [Mr. ALEXANDER] demands a separate vote. The Clerk will report that amendment.

The Clerk read as follows:

Pan-American Exposition: To John G. Milburn, of Buffalo, N. Y., as trustee, for the payment of certain creditors of the Pan-American Exposition Company, \$500,000; the claims against said company to be paid pro rata by said Milburn as trustee aforesaid being for labor, material, services, and other expenses incident thereto and attending the work of said exposition. None of this money shall be paid to any stockholder of said corporation as a dividend upon such stock, nor to pay any claim against said company secured by mortgage, nor to any holder of bonds or securities of said company on account of said bonds or securities, nor shall any payment be made for rents of said grounds or for the restoration of the same.

The said Milburn as trustee shall file with the Secretary of the Treasury a report giving the names of the creditors so paid, and the respective amounts, and on what account, accompanied with a voucher, under oath, showing the



furnishing of such labor, material, services, and other expenses as aforesaid, and the payment therefor by said trustee. The unexpended balance, if any, shall be returned by said trustee to the Treasury with said report, which shall be filed within one year after said appropriation shall be paid to said trustee. In case of the death, resignation, or removal of said trustee, the circuit court of the United States for the western district of New York shall, upon application of any interested party, appoint a successor who shall discharge said trust.

The said trustee or his successor may be required by the Secretary of the Treasury to give a bond to be approved by him for the faithful discharge of said trust hereby created.

The SPEAKER. Does the gentleman want more than an hour on each amendment? He would be entitled to that.

Mr. CANNON. That is quite enough.

Mr. ALEXANDER. Mr. Speaker, I would like the gentleman from Illinois to give us thirty-five minutes.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. CANNON. I suppose my time would begin now.

The SPEAKER. On this amendment it would.

Mr. CANNON. I have but sixty minutes.

Mr. ALEXANDER. Give us half of it.

Mr. CANNON. I apprehend that if I yield twenty-eight minutes to the gentleman and I reserve twenty-eight minutes, then I would have four minutes in which to move the previous question, if necessary.

Mr. ALEXANDER. Very well.

Mr. CANNON. So that I will yield to the gentleman now twenty-eight minutes of my time.

Mr. ALEXANDER. But I do not care to take that twenty-eight minutes at the outset. As I understand it, I have the control of that time.

Mr. CANNON. Oh, well, I suppose the gentleman can yield out of his own time.

Mr. GROSVENOR. Certainly; and he can reserve.

Mr. CANNON. I think we may just as well know at this time why the gentleman wants to have his motion sustained. Of course, I have the right to close.

The SPEAKER. The Chair will state to the gentleman from New York that he has a right to yield such of his time as he desires.

Mr. ALEXANDER. Mr. Speaker, my only insistence is that I do not have to use all of my time at the outset, until we know what the other side have to say.

The SPEAKER. The Chair will state to the gentleman from New York that he is speaking in the time yielded to him by the gentleman from Illinois, and he can not compel the gentleman yielding to him to divide it. The gentleman from New York has now twenty-eight minutes within his control and his time has commenced to run.

Mr. ALEXANDER. Mr. Speaker, I do not care to make a speech. I will leave that to my distinguished friend from Illinois, but I do desire to make a simple statement, and I am sure every member of the House desires to hear it. In the second session of the Fifty-fifth Congress, the President, by a joint resolution, was directed to invite all Pan-American countries to join in an exposition of American exhibits at Buffalo, to be held on May 1, 1901. That joint resolution gave existence to the Pan-American Exposition.

After that authority by Congress the people of the city of Buffalo, in contributions varying from 50 cents to \$50,000, raised, in round numbers, \$1,700,000, which was paid in cash. Thereupon, under a special act of the legislature, a company was organized with a directorate and a president. After that we came to Congress, asking that they make a Government exhibit, and the Fifty-sixth Congress voted \$500,000 to be expended by the Government solely for a Government exhibit. The Pan-American Exposition Company did not handle one cent of this money, nor have one cent's worth of good out of it except as a Government exhibit. Of that \$500,000 I am informed by those who well know that about \$250,000 was expended for increasing the exhibits at the Smithsonian Institution, the National Museum, and other departments in this city.

Those exhibits, paid for out of that appropriation, have this winter done service at Charleston, S. C., and will do service at St. Louis, Mo.; so that the Government, in fact, expended for its own exhibit only about \$250,000. It gave us no money; it loaned us no money. It gave Philadelphia and Chicago millions and it has given St. Louis millions; but Buffalo received nothing except a Government exhibit which did not cost, under any circumstances, to exceed \$250,000. After the Government had agreed to make its exhibit the citizens of Buffalo raised \$2,500,000 on a first-mortgage bond, being a lien upon the gate receipts, less the little amount that was needed to carry along expenses each day.

In the month of March, 1901, it was discovered that we needed \$500,000, if the exposition was to open out of debt, and the citizens of Buffalo put their hands in their pockets to the tune of \$500,000 more, making in all \$4,700,000 that the people of Buffalo paid in cash. The exposition opened on the 1st of May and was going along handsomely; but during July and later we found that extensive

repairs were necessary, such as reasphalting, repainting, and repairing generally, so that they approximated in the neighborhood of \$700,000; but in the wisdom of the Senate it has seen fit to give only \$500,000, in accordance with this amendment.

The attendance at Buffalo was proportionately as generous as it had been at Chicago or Omaha or Philadelphia. The attendance in August was even better in proportion than at either of those fairs. In the month of August, although the country was suffering under a hot wave, the fair took in \$667,000 at the gates. For the week ending September 3—

Mr. CANNON. I will say to my friend that it is proper for me to notify him now that I question the accuracy of his statements, having the statement from Mr. Milburn in my hand, to which I will refer.

Mr. ALEXANDER. I have the same statement right here, and I am speaking directly from the figures, only, of course, in round numbers, leaving off fractions.

Mr. CANNON. Away off.

Mr. ALEXANDER. Not very far off.

Mr. CANNON. Away off, by the hundred thousand.

Mr. ALEXANDER. Oh, no; not very far off. As I have it here in print, the receipts for admissions for the single week ending September 3 were \$168,000. Then came the national tragedy. Before that everything had the rainbow tints of success; but when the assassin did his deadly work few people, comparatively speaking, wanted more of the exposition, because it was the place where the beloved President of the nation had been foully murdered. The wonderful electrical display, the electric tower, the most beautiful thing ever seen on earth, all the power of Niagara could not dissipate the great black cloud which settled over it like a funeral pall.

I have no doubt scores of gentlemen within my hearing had the feeling that they cared not to go and would not go where this dreadful national disaster had occurred. Now, the figures support me in the statement that after the tragedy the attendance at the Pan-American Exposition no longer responded to the exquisitely beautiful attractions. At Chicago, at Philadelphia, and at Omaha the increased rate of attendance in September over August was 55 per cent. At Buffalo it was 7.55 per cent less. I hope the gentleman will catch these percentages.

Mr. CANNON. I caught it and I challenge it. The increased attendance at Philadelphia in October over September was 9.55, and at Buffalo nearly 16 per cent.

Mr. ALEXANDER. I was not talking about October. If my distinguished friend will allow me, the proposition I made was that at Chicago, Omaha, and Philadelphia the attendance in September over August averaged an increase of 55 per cent; and that at Buffalo it was 7.55 per cent less than in August. The gentleman from Illinois will find it so in the printed page before him.

My friend knows, and every gentleman knows, that the months of September and October at Philadelphia, Omaha, and Chicago were the months of greatest attendance, and we had a right to suppose that they would be so with us. But instead of getting an average increase of 55 per cent in September over August, we got 7.55 per cent less in September than we got in August.

Now, I will come to the proposition of the gentleman from Illinois. The attendance at Chicago, at Omaha, and at Philadelphia, for October, was 108 per cent more than it was in August, while in Buffalo it was only 8.43 per cent more than in August. In other words we should have had in September an attendance equaling in money over \$1,200,000, whereas we got only about \$490,000, and in October we should have received over \$1,600,000, whereas we received but about \$620,000. Figures do not lie. We had a right to expect that the great months of September and October would be to us what they were elsewhere at other fairs; but in September, instead of getting 55 per cent more than in August, we got 7 per cent less, and where they got 108 per cent increase in October over August, we received only 8 per cent increase.

Mr. HANBURY. Does the gentleman from Illinois still challenge the statement made by the gentleman from New York?

Mr. CANNON. Oh, the comparison is made with August, and not between September and October. They say figures do not lie, but you can juggle with them.

Mr. ALEXANDER. Oh, well, my friend does not mean to infer that I am juggling with figures. If my friend will take the figures for August, September, and October, he will find that I have given them exactly. The gentleman does not mean to accuse me of juggling with figures, when everything is printed and before us.

Mr. CANNON. I make no reflection upon the gentleman's good faith. He is advocating the measure, as he has a perfect right to do, in his own way. I only interrupted him in fairness to him, with notice that at the proper time I should challenge the correctness of some of his conclusions. That is all.

I have nothing against the gentleman from New York.

Mr. ALEXANDER. The difference between the gentleman and myself is simply this: I am making comparisons of September with August and October with August. His comparison is as to September with August and October with September. It makes no difference. It was 7 per cent less for September, and it was only 8 per cent more for October.

Mr. TAWNEY. And the catastrophe occurred in September.

Mr. ALEXANDER. The catastrophe occurred the first week in September. Now, I have occupied more time than I should have taken, and I will close this statement with quoting from Senators HALE and SPOONER and TELLER when they placed this amendment upon the general deficiency bill in the Senate.

Mr. SNODGRASS. I would like to ask the gentleman a question.

Mr. ALEXANDER. Certainly.

Mr. SNODGRASS. I should like to ask the gentleman what the falling off in attendance of this exposition has to do with this question? Does the gentleman insist that the assassination of the President creates an obligation on the part of this Government to pay the debts of this institution?

Mr. ALEXANDER. Oh, no. I am accounting for the failure of the exposition and will let the gentleman answer his own question as to obligation.

Mr. SNODGRASS. Then what is the effect of your argument?

Mr. SULZER. I will say to the gentleman from Tennessee that the falling off in the attendance has all to do with this matter. That is the reason why it is necessary to have this legislation.

Mr. SNODGRASS. Does the Government undertake to guarantee the attendance at an exposition?

Mr. ALEXANDER. Senator HALE said:

The committee put in this provision for two reasons. The Senate last year provided for \$500,000 additional to this exposition in the spirit of liberality that had led it to be very liberal to the St. Louis exposition, but the House struck it out and we could not get it in conference. If we had done as the Senate then decided unanimously, to give it to them, they would have had the money and would not have been here now.

Then, of course, there was the other patent reason, the tragic event in Buffalo, which overshadowed not only the country but the world and prostrated this exposition. We have guarded it and have left the expenditure of the money in the hands of a very eminent man in Buffalo, Mr. Milburn, who was the president, and who, I will say, after we had drafted the amendment and put it into his hands, telegraphed that he preferred that we should add to the provision one making him accountable to the Treasury and submit vouchers and returns; also asking that we put him under bonds, as is usual in such cases.

Mr. SPOONER. Is there any language in the amendment which would distinguish it from the ordinary deficit, so as to take it out from being a precedent which is to be followed hereafter? The assassination of the President at Buffalo undoubtedly, as the Senator says, had a very detrimental effect upon the exposition.

Mr. HALE. The committee considered that and we thought we would not embody anything of that kind in the bill, but let it be seen, as it will be, and remembered of all men hereafter, that that is the one great reason. The other is a pretty strong one also.

Mr. TELLER. The fair at Buffalo would undoubtedly have been a success but for the unfortunate occurrence of the assassination of the President. Up to that time the fair was a promising one, but immediately upon the assassination the people of the United States were so horror-stricken with that terrible catastrophe that nobody wanted to go there. It is a fact that not only did the attendance immediately fall off—that is, people did not go—but people who had gone there intending to remain some considerable time immediately departed from the city.

I reserve the balance of my time.

The SPEAKER. The question is on the motion of the gentleman from New York.

Mr. CANNON. Does the gentleman desire to use any more of the time yielded him?

Mr. ALEXANDER. Yes; after the gentleman has used some of his time.

Mr. CANNON. If the gentleman has anything further to say, I would be glad that he would say it. I have the right to close this discussion.

Mr. ALEXANDER. I have nothing further to say myself, but there are a number of friends present in the House who will be glad to speak, and I desire to give them a minute or two, after the gentleman is through. The gentleman can reserve enough of his time and close.

Mr. CANNON. Now, I will move the previous question after I make my few broken remarks, and if the gentleman does not desire the time, well and good.

Mr. ALEXANDER. Then the gentleman means to say that he will not let me have the rest of my time after he has spoken?

Mr. CANNON. I do; most unqualifiedly.

The SPEAKER. The gentleman from New York must use his time now if the gentleman from Illinois insists.

Mr. ALEXANDER. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. ALEXANDER. Then I yield a minute to my colleague [Mr. McCLELLAN].

Mr. McCLELLAN. Mr. Speaker, I can only add in addition to what my colleague has said that the New York delegation is a unit in favor of this provision. The Pan-American Exposition

was a national undertaking. The United States made no appropriation for it. The death of the late President made the attendance fall off. Under the constitution of the State of New York no relief can be obtained from the State government. The stock and second mortgage bonds have been wiped out. The cost of labor and material can never be paid unless the funds be provided by the United States. I realize that we may have no legal standing before Congress, but I believe that we have a moral standing before the United States for relief in this matter.

Mr. ALEXANDER. I yield one or two minutes to the gentleman from Minnesota, as he may desire.

Mr. TAWNEY. Mr. Speaker, as chairman of the Committee on Industrial Arts and Expositions it has been my duty to give this matter some consideration and investigation. I believe that in equity and good conscience we should make this appropriation. The people of Buffalo lose \$2,500,000 on the Pan-American Exposition. The cause of that loss, I think, is evident to every man who contemplates for a moment the terrible effect upon the public mind of that awful tragedy that occurred at Buffalo early in the month of September last.

Not one dollar of this money goes to the people who have sustained that loss—the \$2,500,000. Not one dollar of it will go to any man interested in promoting that exposition, interested as a stockholder, interested as a bondholder, or interested in any way except as a contractor. The appropriation goes exclusively to the men who erected and maintained the buildings, who paid for the labor and material used in their construction, and who can not in any way or under any other circumstances obtain payment, because there is no legal liability on the part of the exposition company or of anybody connected with the exposition for the amount thus expended by these men and which is justly due them.

What does it mean if these men are not paid? As a result of the assassination of President McKinley this exposition was closed for four days. Not a solitary admission was permitted during any one of these four days. Two days after the assassination, the day after the death, and the day of the funeral of the President the exposition was closed as a mark of respect to President McKinley and the office which he held. The Government had authorized the exposition. The head of the Government had been assassinated at the exposition. Every consideration, therefore, demanded that this token of respect and esteem should be shown. That being so, these innocent contractors are called upon to pay for that respect to the memory of one of the Government's greatest Presidents.

I do not think that because it was necessary to close the exposition for this purpose men not in any way connected with the exposition or its benefits should be called upon to pay the expense and loss incident to that closing, which otherwise would not have happened. The loss sustained on account of such closing alone would amount almost to one-half of the appropriation, based upon the attendance the days immediately preceding the assassination.

Now, Mr. Speaker, this matter has received the attention and has the sanction and approval of the President, and I think that gentlemen of this House who regard the recommendations of the President of the United States as being absolutely conclusive upon Congress should follow his recommendation, as they have insisted others should follow his recommendations in respect to other matters, and not oppose this appropriation in this instance. In his last message the President said:

The Pan-American Exposition at Buffalo has just closed. Both from the industrial and the artistic standpoint this exposition has been in a high degree creditable and useful, not merely to Buffalo, but to the United States. The terrible tragedy of the President's assassination interfered materially with its being a financial success. The exposition was peculiarly in harmony with the trend of our public policy, because it represented an effort to bring into closer touch all the peoples of the Western Hemisphere, and give them an increasing sense of unity. Such an effort was a genuine service to the entire American public.

I think, Mr. Speaker, we should recognize that fact. We do recognize the fact that the exposition was a success in every way except financially, and that its financial failure was due largely, if not entirely, to the great calamity that occurred there on the 6th day of September last, and inasmuch as the entire appropriation goes, not to those interested in the exposition, but to innocent contractors who otherwise must sustain the entire loss, I think the appropriation should be made, and I shall vote for it. [Applause.]

Mr. ALEXANDER. I yield one minute to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Speaker, I hope the House will concur in this amendment. The Pan-American Exposition certainly benefited the trade and commerce of the nation, and it received no governmental aid. True, the Government made an exhibit there, but the \$4,800,000 necessary to build and open the fair was subscribed by the people of Buffalo and vicinity. The fair opened; it was a success up to that day in September when the country



was shocked by the news of the terrible tragedy of the assassination of the President of the United States. From that time, as has been shown, the attendance fell off and the exposition suffered a great loss.

There is no doubt as to this proposition. The liabilities of this fair in bonds and stock that fell as a direct loss on the citizens of Buffalo amount to \$2,300,000. For that no relief is asked; but we do ask that \$500,000 be appropriated to pay amounts due to contractors for losses sustained by furnishing labor, material, and supplies to run this exposition. There is no hope for those people except through Congress, and as the failure was due to the terrible tragedy, we hope the House will concur in this amendment. I wish to appeal to members on this side of the Chamber to support this measure. [Applause.]

Mr. CANNON. Mr. Speaker, I will ask unanimous consent that the time of the gentleman from New York [Mr. ALEXANDER] be extended for five minutes and that my own time be extended five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from New York be extended five minutes and that his own time also be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ALEXANDER. I now yield one minute to the gentleman from New Jersey [Mr. FOWLER].

Mr. FOWLER. Mr. Speaker, it seems to me as though this was a moral obligation of the Government. I know the gentleman from Illinois [Mr. CANNON] will represent the Government as its special attorney to protect the Treasury, but, gentlemen, there are obligations in this world that rise higher than the obligations that may bear your signature; obligations that rest upon the citizens of a community in which they live more binding upon them even than written obligations which they can enter into. When we recall the facts surrounding the exposition, the fact that these people did everything in their power, that it was a remarkable exhibition, and that everybody who went to it was surprised at every detail, it is reasonable to suppose that, as a business enterprise, it would have met their expectations but for the assassination in the early part of September of President McKinley, which was one of the most shocking and one of the saddest tragedies in all the world's history. I believe that here is an occasion where we are under a moral obligation outstripping, in its potential force upon us, any written obligation we might have, and therefore I am going to vote for this measure. [Applause.]

Mr. ALEXANDER. I yield one minute to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Speaker, I believe that this Senate amendment should be adopted. The President of the United States in his message to Congress at the beginning of this session, speaking of this exposition, said:

Such an effort was a genuine service to the entire American public.

Now, Mr. Speaker, if the Pan-American Exposition was an "effort" which "was a genuine service to the entire American public," then this appropriation of \$500,000 is a meritorious one; and it seems to me that considerations of simple, absolute, and independent justice to the people who have in good faith furnished material and rendered services in the construction of the buildings of this exposition would prompt the passage of this amendment.

Mr. Speaker, I hope the appropriation will pass. [Applause.]

Mr. ALEXANDER. I yield one minute to the gentleman from Minnesota [Mr. MORRIS].

Mr. MORRIS. Mr. Speaker, this proposed appropriation stands upon a different footing from any similar one that has ever been before us. When this appropriation was first suggested, it was my idea that it should not be adopted. But after going over the facts with the gentleman from New York [Mr. ALEXANDER] and with my colleague [Mr. TAWNEY], the chairman of the Committee on Arts and Expositions, it seemed to me that it ought to be adopted. As I have just said, it stands on an entirely different footing from any similar appropriation, and for that reason I shall vote for it. The figures show that after the assassination of President McKinley the receipts at that fair, instead of increasing, as they had done at every similar exposition, decreased for the months of September and October.

[Here the hammer fell.]

Mr. ALEXANDER. Mr. Speaker, how much time have I left? The SPEAKER. One minute and a half.

Mr. ALEXANDER. Mr. Speaker, I yield one minute to my colleague [Mr. SULZER].

Mr. SULZER. Mr. Speaker, all I desire to say in that minute is this: In my opinion, if it had not been for one of the saddest tragedies in American history the Pan-American Exposition would have been a financial success. In an educational way it was a success. In the last Congress the Senate passed an appro-

priation of \$500,000 for the Pan-American Exposition. That appropriation failed in this House. I voted for it then and will vote for it now, and I think that we ought to adopt this amendment. This money will go to pay poor people all over this country—people that can ill afford to lose their wages, and to pay for necessary materials furnished. For many reasons not necessary now for me to state it is my judgment that this appropriation should pass. It is an equitable and ethical question and we should meet it in a broad and liberal spirit.

Mr. ALEXANDER. I yield the residue of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, the appeal that comes to us to give relief to the pan-American enterprise comes with special force to the people of Ohio. I only speak as one representative of her people. Waiving every technical question and every technical argument, I am willing to cast my vote in favor of this appropriation.

I do not stop to consider its legal aspects nor the details which grow out of it. Coming from Ohio, as a single representative of that State on this floor, I can not refuse to bow my head to the force of the arguments presented by the gentleman from New York [Mr. ALEXANDER].

Mr. CANNON. I yield five minutes to the gentleman from Indiana [Mr. HEMENWAY].

Mr. HEMENWAY. Mr. Speaker, if I believed that the assassination of President McKinley at Buffalo was the cause of this deficiency, I would support the amendment. But I do not believe it. The receipts before and after that date do not demonstrate it. On the contrary, they show that very little decrease occurred in the receipts.

And I do not concede what the gentleman from Minnesota says—that the exposition was satisfactory to the people of the United States. The people that came back from Buffalo in August denied it. They did not encourage their neighbors to visit the Buffalo Exposition. I am reasonably certain that had not the President been assassinated at Buffalo the Buffalo people would have been here asking for this appropriation to make good their deficiency.

Did the Government ask them to hold this exposition? No; but Buffalo, as an advertisement to the city, asked that this exposition be held. They came and asked Congress for \$500,000 to be expended in the way of an exhibit. They said they would not ask for any more money, but came asking for more money, and come now again asking for more money. How about Charleston? Why, if this amendment is agreed to you have got to pay Charleston's debt of \$160,000. What did they say on this floor about Charleston when, in answer to my question when they were asking for \$90,000, upon what that request was based? They said upon a promise of the President of the United States. The President could not deny it. They said it was based upon a promise made by William McKinley, and every man who knew William McKinley and knew of his service on this floor knows that he was careful to make no promises that he was not authorized by law to make; yet they came with that plea and got from Congress \$90,000 for Charleston, and when that \$90,000 passed I asked Mr. Elliot this question:

I would ask the gentleman if this \$90,000 is appropriated whether that will be all that the Charleston Exposition will ask in the way of appropriation from the General Government?

Mr. ELLIOTT. Every dollar.

Mr. HEMENWAY. Every dollar?

Mr. ELLIOTT. Yes, every dollar; not a cent more.

Yet in this bill there is an amendment placed there on the Senate side granting \$160,000 more for Charleston, and if you pay Buffalo's debt you have got to pay Charleston's debt. Is this Government under obligations greater to Buffalo or Charleston than their own State? Why, they say that under the constitution of New York Buffalo's debt can not be paid. The constitution of New York is all right. Can you, under the Constitution of the United States, make good to these contractors their loss at Buffalo? If so, why could we not, in the construction of every public building in the United States, make good the losses of some poor contractor who has taken a contract to build for less than the amount the building cost him?

I believe if the Congress of the United States to-day fixes this precedent, that we will regret it many times in the future. If we are going to guarantee to every city that seeks to advertise itself by an exposition, that the Government will make good her losses, then I say that we are making a bad break in this House to-day. The gentleman from Illinois [Mr. CANNON] will show what the receipts were at Buffalo before and after the assassination of the President; he will show the comparison made by President Milburn himself, and to the mind of any reasonable man it will be demonstrated that the Buffalo exposition did not lose to exceed \$50,000 because of the assassination of President McKinley. I yield back such time as I have not used.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

- H. R. 303. An act for the relief of Sol Bear & Co.;
- H. R. 11171. An act granting a pension to Elizabeth A. Nalley;
- H. R. 11987. An act relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington;
- H. R. 15270. An act to amend an act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi channel, known as the Morris and Cummings ship channel, in Aransas County, Tex.;"
- H. J. Res. 182. Joint resolution authorizing the Director of the Census to compile statistics relating to irrigation; and
- H. J. Res. 198. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the Thirty-sixth National Encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment.

The message also announced that the Senate had still further insisted upon its amendment to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, No. 91, disagreed to by the House of Representatives, and agrees to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as conferees on the part of the Senate.

Also, that the Senate had insisted upon its amendments to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes, disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MARTIN as conferees on the part of the Senate.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3690) for the relief of Jacob Hanger.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes.

## GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania.

Mr. DALZELL. Mr. Speaker, I want only time enough to record my protest against this proposed legislation. I want to say that in all the time I have had the honor to serve in this House I have never known a more preposterous proposition. What is the proposition? The proposition is to take \$500,000 out of the Federal Treasury and place it in the hands of a private individual to pay the debts of a New York corporation. Now, what are the circumstances? The city of Buffalo, some two or three years ago, desirous of exploiting its fame and bringing money to the pockets of its citizens, undertook an exposition.

Certain of the citizens became incorporated under the laws of New York as a private corporation, known as the Buffalo Exposition Society. Thereupon they came down to Congress and asked Congress to pass a law calling upon the President of the United States to extend an invitation to all Pan-American countries to come to Buffalo. Therefore, now they would say that because of that legislation this was a national project. On the other hand, I assert that it was simply a private enterprise. They came to Congress again and got an appropriation of \$500,000, and after having had that appropriation they came back to Congress again and asked for \$500,000 more.

Mr. TAWNEY. Mr. Speaker, they never got a dollar through appropriations from the Federal Government.

Mr. DALZELL. I stand on the assertion that I make, and the record will bear me out. They came back and asked for \$500,000 more. The Senate put an amendment on the bill giving the \$500,000. This House by a large vote recorded its protest against the giving of that money, and it was not given. Now they come back here and ask us for that money. I do not care whether the attendance at the exposition was greater in August or in September. I do not care to argue the question as to what was the cause of the failure of this enterprise. The simple fact is that a private enterprise undertook a venture, and now they ask when that venture has failed that the United States shall make good their loss. That is the simple proposition. I can not see that the death of President McKinley had anything whatever to do with it. The

fact is that that awful tragedy at Buffalo has been made use of for many, many unbecoming purposes. I think that we are approaching the sacrilegious when, under the shadow of that awful tragedy, an attempt is made to loot the Federal Treasury. [Applause.]

Mr. CANNON. I yield three minutes to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. Mr. Speaker, I think that upon a bill of this character every Representative on this floor ought to express his opinion freely, uninfluenced by his personal friendships. The gentleman from New York [Mr. McCLELLAN] said that the New York delegation were solid for this appropriation, and I have no doubt that our friends from South Carolina are equally solid, because they have something for Charleston in the "same tub." Now, that is no reason why anyone else outside of these local surroundings should be influenced to vote for this unjust, inequitable, and unprecedented proposition.

What is this proposition, Mr. Speaker, in reality and in fact? I read from what the Senate committee said on this subject.

Excepting through an appropriation from Congress, these liabilities to contractors and for the restoration of the property, amounting to \$613,625.10 (now reduced to \$500,000), must remain unpaid, and fall as a heavy loss upon men who are unable to bear it.

That simply means that Congress is asked to reimburse a large number of contractors who made an unwise and improvident contract and thereby incurred losses. Why I ask should the Government pay these unwise contractors? The Government is from no standpoint responsible, nor is the Government a guarantor in such matters.

Why, Mr. Speaker, you have heard that old exclamation, "O Liberty! Liberty! how many crimes are committed in thy name!" I have heard on this floor the name of Mr. McKinley invoked over and over again for purposes that it seemed to me were unbecoming. It meant simply that the great name and memory of Mr. McKinley was invoked to aid the passage of certain doubtful measures. But I say that this is the most unique proposition under which his name is invoked, for the purpose of making the calamity that was national in its character redound to the pecuniary benefit of the contractors of that enterprise.

The sole basis of this claim is that Mr. McKinley was assassinated on the 6th of September, 1901, during the Pan-American Exposition at Buffalo. No equity, no justice, in the claim—merely that Mr. McKinley lost his life there, and this kept people from attending the exposition. This is all there is in it.

Now, Mr. Speaker, what reason is there that anyone on this floor has given for this appropriation? No legal and no equitable reason; and I ask gentlemen on this side of the House to consider this suggestion. We, as loyal Democrats, have lustily proclaimed for years that we were in favor of an economical administration of public affairs and that we were earnestly opposed to useless and unnecessary expenditures of public money. Under our cardinal Democratic doctrine, what excuse can any Democrat give his constituents for putting his hand into the Treasury of the United States and taking out this \$500,000, without equity, without law, and without reason, and paying it to those men who have been so unfortunate as to lose on their contracts?

Mr. Speaker, all over this country when the sad announcement was made that President McKinley had been stricken down, men who were engaged on public contracts, men who were keeping stores, men who are engaged in every pursuit suspended their business, and people stood almost paralyzed for forty-eight hours, neglecting their daily business and pursuits. These men who abandoned temporarily their contracts on public buildings, who closed their stores and gathered around bulletin boards awaiting the news, if you go into the moral question, have the same right to demand payment for the damages and losses that they incurred that these contractors at Buffalo have. I am utterly opposed to such legislation. The fact is that the public business of the whole country suffered losses to the amount of millions untold by the commercial paralysis that Mr. McKinley's assassination created.

[Here the hammer fell.]

Mr. CANNON. Mr. Speaker, I yield three minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I desire to occupy the brief time that has been yielded to me simply to say that I do not conceive that there is any justice or equity in the claim made to pay the Buffalo Exposition Company the amount asked here, or any amount, upon the grounds that they allege as reasons why they are entitled to it. I desire to call the attention of the Democrats on this side the aisle who propose to make assaults upon the administration of affairs in this Congress, that has appropriated nearly \$785,000,000 out of the public Treasury for the next year, this session reaching almost to a billion-dollar session, to the fact that it will not lie in their mouths when they are called upon now



to stand by the chairman of the Committee on Appropriations in his effort to keep down appropriations and to cut off reckless expenditures—it will not lie in their mouths to make assaults upon the administration of affairs here if they record their votes in behalf of this measure or the measure for the relief of the Charleston Exposition Company either.

I well remember with what care the resolution for the holding of this exposition was presented to this House. I well remember that time and time again effort was made to secure unanimous consent for the consideration of the proposition to hold this exposition, without success. At first it was said they did not even want a Government exhibit, and that amendment was at first added to the bill. Finally, the statement was made by the advocates of the bill that at no time did they expect either to ask for a Government exhibit or a dollar of appropriation. Yet little by little they have increased their demands until, having already got \$500,000, they now propose to ask that we appropriate \$500,000 more.

It is said that because the greatest tragedy of the century occurred at Buffalo we are therefore called upon to pay to those people out of the Treasury the money that they ask for. Why, I well remember that in the great metropolis of this country, New York City, on the day on which the President was shot, on the day on which he died, and on the day upon which he was buried, in that great city every store and every place of business was closed. They did this not for the purpose of gain, not that they expected to ask Congress or anyone else to recompense them, but they did it all over this country to show their respect, their love, and the honor that they paid the great Chief Magistrate of this country who had been so ruthlessly stricken down. They did it, not for the purpose of being paid any money, but they did it for that which is far above money and without price.

[Here the hammer fell.]

Mr. CANNON. I yield two minutes to the gentleman from Wisconsin [Mr. BARNEY].

Mr. BARNEY. Mr. Speaker, I have always much doubted the wisdom of appropriating the money of the Government for expositions of this kind, whether at Chicago, Omaha, or anywhere else, and have uniformly voted against them. I do not believe we have any right to vote away the people's money for any such purpose.

But this proposition does not have even the merit of an original appropriation to an exhibition of this character. It is simply a proposition to make the Government the guarantor for the debts of such an enterprise when it proves insolvent, and has no merit whatever in law or equity.

It will establish a dangerous precedent for Congress which is liable to cost us millions of dollars hereafter.

It has been claimed here in support of this amendment that this enterprise at Buffalo was of a national character. I deny that proposition. It was a private enterprise, pure and simple. It was gone into by the people of Buffalo for the purpose of making money. They did not go into it for their health, nor for the benefit of the whole country. It was as much a private enterprise as any other great business undertaking in this country. It has been said in support of this amendment that this exposition was closed four days, and thereby they lost money. Is it not true that every place of business all up and down this country was closed for one day during the funeral of our beloved President?

If we should grant this relief that is sought to these people, is there good reason why every one who lost money thereby should not come in and ask Congress to give them money to make up for their loss as for this exposition company? They have quite as good reason to come and ask the Government to make up for the loss all over the country caused by this sad occurrence and which produced a general stagnation of business. Millions of men were turned out of employment and millions of money lost in various ways. I presume that if we could make a fair estimate, this country lost \$100,000,000 by reason of this great catastrophe. If you pay this claim, then similar claims might just as reasonably come up from other parts of the country, and which, in my judgment, would be entitled to as much consideration as this.

Mr. CANNON. I yield two minutes to the gentleman from Tennessee.

Mr. SNODGRASS. Mr. Speaker, this is an appeal to Congress on sentiment. It is a proposition, pure and simple, to pay the losses of a private corporation in the State of New York. There is an effort here to dignify this side show into a national enterprise. But it is a purely private corporation, and these debts are owed alone by that corporation. It is true that they applied here for aid from the General Government to carry on this exposition, and the refusal to give them that aid was a notification to them that the Government took no part in it.

Mr. Speaker, I was sorry to hear the gentleman from New York

arise in his place and say that the New York delegation was a unit in supporting this proposition. It occurs to me that that is as much as to say that the united delegation believe that there is no limit upon the power of Congress in the expenditure of public money, or else the sentiment is still prevalent in New York that so small a thing as the Constitution ought not to be allowed to stand between friends.

Mr. Speaker, there is a false argument presented here, that because the President of the United States was assassinated in that city there arose an obligation upon the part of this Government to pay the debts of that institution. The gentleman from Minnesota [Mr. TAWNEY] even goes so far as to say that because this institution was closed for four days after the death of Mr. McKinley, and because in closing this institution for the purpose of showing their respect to the President of the United States they lost money, that we ought to pass this appropriation. This is a strange kind of argument to present to this House. It is an effort to measure the highest and holiest sentiment of the human heart by the standard of a money value.

Mr. CANNON. I yield one minute to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, the gentleman from New Jersey [Mr. FOWLER] says that there is a moral obligation on the country to reimburse the Pan-American Exposition for this loss. He did not say that that moral obligation extended to South Carolina and its exposition. He did not tell us whether it went beyond that, and would lodge upon the country the obligation to pay the losses of all county fairs throughout the country. I presume that for the purpose of passing this bill the obligation does extend to South Carolina and will be recognized to-day, at least upon the first vote. Gentlemen of this House have signified their intention of voting for this bill upon a rising vote, but declare their intention to renege when it comes to a record vote. I would like to ask them how in conscience they can support on a rising vote what they are not willing to support on a record vote?

Mr. CANNON. I yield three minutes to the gentleman from Iowa.

Mr. HEPBURN. Mr. Speaker, I think that the gentleman from Buffalo evinced large sympathy for his own people and this great enterprise of theirs which was not a success. Still sympathizing with him, and with my people in our similar enterprise that was not a success, I therefore want to ask him if he would be willing to modify his motion so as to concur with an amendment making an appropriation to the Clarinda Chautauqua Association of \$100, the result of losses for which we were not responsible and for which this Government in part was?

Mr. LESSLER. Mr. Speaker, will the gentleman allow me?

Mr. HEPBURN. "The gentleman from Iowa" can not yield to a New York man. [Laughter.]

Mr. Speaker, we are trying to carry out a national purpose, the education of the masses. We recognize the fact that as education is disseminated the stability of our institutions are made more certain through the growing wisdom of the electors [laughter], and therefore we had instituted this association, and we had secured the services of that eminent statesman and philosopher from Missouri, and another from Indiana; and they were to have a joint debate. Everybody likes a contest of that kind.

The whole people of our country had gathered there to hear that debate. We would have made money out of it; but the Weather Bureau had failed to foretell the weather that there was to be on that day. The Government was derelict, it had not done its duty, and the storm came and the people were driven from the somewhat insecure place where we desired to hold that joint debate into the only building—into the largest one we had—and instead of having the contributions of 4,000 people who would have been there to gather wisdom from those statesmen, not more than 600 of them could crowd into the house. Ought not the Government to make that loss good? [Laughter and applause.]

Mr. ALEXANDER. Mr. Speaker, I would like to ask the gentleman a question.

Mr. HEPBURN. Can it be that this Government, that establishes a Weather Bureau for which we pay millions of dollars to disseminate information as to what the weather is and will be, can permit these losses to be incurred and then not reimburse the citizens who were thus defrauded of their money? [Laughter and applause.]

Mr. ALEXANDER (while Mr. HEPBURN was closing). We would not be here if it was on account of a whirlwind or an earthquake or an eruption.

Mr. HEPBURN. Mr. Speaker, can not I be protected from this earthquake or storm of interruptions? [Laughter.]

The SPEAKER. The gentleman from New York must not undertake to speak without first obtaining permission of the gentleman who occupies the floor.

Mr. ALEXANDER. I rose, Mr. Speaker, to ask a question.

The SPEAKER. But the gentleman from Iowa had not yielded.

Mr. HEPBURN. I had already said, Mr. Speaker, that I would not yield to a gentleman from New York.

Mr. ALEXANDER. Does the gentleman from Iowa yield to me now?

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. CANNON. Mr. Speaker, if the House will bear with me for a very few moments, I will conclude this discussion and ask for a vote. In 1898 the gentleman from New York [Mr. ALEXANDER] succeeded in passing through Congress a bill removing the duties upon articles intended for the Buffalo Exposition, in which it was expressly stipulated, and he was held up at that time for that purpose, that the United States does not assume any liability of any kind whatever, and does not become responsible, etc., to anybody. That is the substance of it. There it was born, and it was born under those conditions and under that pledge.

Now, then, in the Fifty-fifth Congress, in 1899, this child that was born had grown, under the tutelage of my genial friend representing the district, into a strong, lusty lad, and it was here all that session. The gentleman from Buffalo, who I honor for representing his constituency, as in all other propositions, was insistent, in season and out of season, by day and by night. In the last days of that session of Congress, the very last day, he succeeded in getting the House to concur with the Senate for \$500,000 for a Government exhibit, away over the ordinary amount for the side shows.

I did not have the honor to vote upon that proposition. I supposed it was "scotched." I would have been glad to have voted against it, but, as a servant of the House, I was performing duties as one of its conferees. I think it would have passed, because my friend from New York is so industrious and so plausible. It did pass, and then came the pledge, and just let me read you a part of it in the gentleman's own words:

We come not asking Congress one dollar for an appropriation to carry on or to pay the expenses of this exposition. We propose to pay that ourselves. We simply want Congress to make it possible for the Government of the United States to put an exhibit of its own there.

Now, on that pledge we sinned again. Now, do you not think you are estopped from coming here again?

Mr. ALEXANDER. Will the gentleman allow me to answer?

Mr. CANNON. No; I have not the time. I will say that the gentleman is estopped.

But, Mr. Speaker, that is not all. A year ago last March the little joker—the exposition and not my friend—comes again. President McKinley was then in full life, and nobody dreamed that he was to be assassinated, and how did he come? It could not get a standing in this House, but in the Senate it was harnessed to the appropriation for St. Louis, for which a law had been passed under the lead of the gentleman from Minnesota. It was harnessed onto that, and as part and parcel of it were two propositions—Buffalo \$500,000 more, and South Carolina a considerable sum, amount not recollected. It was put in as one amendment. There were tears in the voice of my genial friend on that occasion.

The House voted and voted again, and the Senate was compelled to recede, and the amendment was modified, cutting off Buffalo and cutting off South Carolina. The gentleman could not have foreseen when he wanted that \$500,000 that the receipts would fall off, as he claimed, on account of the death of President McKinley. He was turned down and served with notice then that thus far shalt thou go, and no further.

Mr. ALEXANDER. Will the gentleman permit an interruption now?

Mr. CANNON. I can not. I have not the time. The exposition began, and it took something like \$9,000,000 of receipts, or a little less than that. The expenditures were more than the receipts. They owe people \$500,000, but they have taken good care to pay \$2,500,000 of the first-mortgage bonds to their own people. What a court of equity might do, if it were properly brought before it, to pay these expenses before the first-mortgage bonds were paid I do not know; it has never been brought before it.

What next? The gentleman says the President's decease brought disaster. I challenge his statement. I have got it all here. The receipts in September were \$1,167,000; in August, \$1,262,000; in October, \$1,353,000, an increase of receipts in October over September, the month after the President's death, of 16 per cent, in round numbers. The increase of receipts for a similar period at Philadelphia was 9 per cent.

It is a pretense. I am justified in saying that in view of the fact that the gentleman was as strenuously knocking at our doors last March for this \$500,000 as he is now.

Now, let us see how much equity there is in this proposition.

The gentleman from Indiana said that it was well that the constitution of New York prohibits the State of New York from coming to the rescue of Buffalo. Yet, gentlemen, while we have the mere power to vote this amount out of the Treasury to pay these creditors, in good morals and in the performance of our duty can any man rise in his place and say that he believes he performs it when he so votes?

There is no express provision, perhaps, in the Constitution of the United States forbidding an appropriation of this kind. But I am here to say that the fathers who made that Constitution and all the great parties from that time to this would not have been willing to come within a thousand miles of putting into any of their platforms a proposition to pay the debts of failing creditors of a private corporation.

Now, one word in conclusion. Who are these men? I have their names here covering seven pages. Here is an item for a telegraph company, another for a telephone company, another for rent, another for money due to contractors, scattered in various portions of the country, principally in New York, but some in Ohio, some in Illinois. I tell you, gentlemen, if you are going into the business of making contractors whole there are some poor men in my district who took improvident contracts and have never got their money.

Let me go one step further. We know that there is an estimate before this House and a memorial from the laboring men engaged on the Government Printing Office building, proposing that they be paid three or four days' wages because their work was suspended on account of the death of William McKinley. Do you know that there were three or four or five days in a week, on the average, when 80,000,000 people in the aggregate suspended their ordinary occupations because of that tragedy? Who makes good to them the hundreds of millions of loss? Are we going to do it out of the Treasury? In equity they are more entitled to it than these contractors, and telegraph companies, and telephone companies, and lessors—more entitled to relief from the Treasury. Are you going to relieve them? Nay, nay; you are going to turn around and tax them to relieve—whom? Men of full age, men who traded with their eyes open, men who worked for a profit, men who failed to collect their debts in full. I do not believe this is good policy; I do not believe we have any right to do it.

Now, one further word.

Mr. ALEXANDER. Will the gentleman allow me one word?

Mr. CANNON. Oh, I have not the time.

Mr. ALEXANDER. But you interrupted me four or five times. I merely wanted—

Mr. CANNON. Well, be quick.

Mr. ALEXANDER. I merely wanted to remark that the items for rent, restoration of grounds, and other things that you have read here are left out in this amendment of the Senate. It is not the amendment that you think it is.

Mr. CANNON. Then you have too much money appropriated here.

Mr. ALEXANDER. Those items are all left out in the Senate amendment. It contains nothing for rent.

Mr. CANNON. Here are items of rent for private parties. But suppose the gentleman's suggestion is correct; what difference does it make to whom the money goes? You made the venture. You are paid substantially in full on your first-mortgage bonds. You took good care of that.

Now, allow me to say to my good friend—he is a good representative of the great, rich city of Buffalo—there is no district in the United States that gets so much public appropriation or is entitled to so much, but let me say to him that if he will be one-half as industrious in the city of Buffalo for one week in calling together 5,000 of its splendid citizens and presenting this matter to them, they will pay these contractors and others the \$500,000.

Now, gentlemen, one word in conclusion. St. Louis is preparing to hold an exposition. I trust it will be a success. Are we to say to her that if it is not a success we will underwrite the venture? South Carolina, estopped this session of Congress from asking anything more, is here applying for \$160,000 more; another case of underwriting. And on this question of expositions, if we do not call a halt it will run to State fairs and county fairs; the United States will go regularly into the show business; and a little later on we shall be buying some Buffalo Bill Wild West Show! [Laughter and applause.]

Mr. Speaker, there is no time so good to refrain from sinning as the time before you have sinned.

Mr. SIMS. Is it not a fact that the World's Fair at Chicago lost money on account of the death of Carter Harrison, the mayor of that city?

Mr. CANNON. Yes; they lost largely for that and other reasons. Philadelphia lost also on the Centennial Exposition.

Mr. TAWNEY. But Philadelphia paid back every dollar that the Government voted.



Mr. CANNON. Nevertheless, that exposition was a loss as a venture; and for many years they talked about having the Government pay the loss; but the Government never did.

Now, Mr. Speaker, I am ready for a vote on this question, and I will ask this House here and now not to enter upon the wrong road. It will save much trouble and expense if it refuses to so travel. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from New York to recede from amendment No. 8 and to agree to the same.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 120, nays 101, answered "present" 20, not voting 109; as follows:

## YEAS—120.

Acheson,	Draper,	Knapp,	Payne,
Alexander,	Driscoll,	Kyle,	Perkins,
Allen, Me.	Eddy,	Lamb,	Powers, Mo.
Applin,	Emerson,	Lessler,	Pugsley,
Ball, Del.	Feely,	Lewis, Ga.	Ransdell, La.
Bartholdt,	Finley,	Loudenslager,	Ray, N. Y.
Bingham,	Fitzgerald,	Lovering,	Roberts,
Bishop,	Fletcher,	McAndrews,	Robinson, Nebr.
Blackburn,	Flood,	McCleary,	Ryan,
Bowie,	Foster, Ill.	McClellan,	Showalter,
Breazeale,	Fowler,	McDermott,	Sibley,
Bristow,	Gibson,	McLachlan,	Smith, H. C.
Burk,	Gill,	Mahoney,	Southwick,
Burke, S. Dak.	Goldfogle,	Martin,	Sparkman,
Burleigh,	Greene, Mass.	Maynard,	Sperry,
Burnett,	Griffith,	Meyer, La.	Stark,
Butler,	Grosvenor,	Mickey,	Stewart, N. Y.
Calderhead,	Hall,	Minor,	Storm,
Cannon,	Hamilton,	Mondell,	Sulloway,
Cassel,	Hanbury,	Moody, N. C.	Sulzer,
Conry,	Haskins,	Moody, Oreg.	Tawney,
Coombs,	Hedge,	Morgan,	Tirrell,
Currier,	Henry, Conn.	Morris,	Tompkins, N. Y.
Darragh,	Hildebrandt,	Moss,	Tompkins, Ohio
Davey, La.	Howard,	Mudd,	Van Voorhis,
Davidson,	Howell,	Napen,	Vreeland,
Davis, Fla.	Jack,	Nevin,	Wachter,
Deemer,	Johnson,	Newlands,	Wadsworth,
Dick,	Joy,	Olsted,	Wilson,
Dovenor,	Kern,	Patterson, Pa.	Wright.

## NAYS—101.

Allen, Ky.	Esch,	Lacey,	Shafroth,
Babcock,	Evans,	Lanham,	Shattuc,
Barney,	Fleming,	Lewis, Pa.	Sims,
Bartlett,	Foss,	Little,	Slayden,
Beidler,	Fox,	Livingston,	Smith, Ill.
Bell,	Gaines, Tenn.	Lloyd,	Smith, Iowa
Benton,	Gaines, W. Va.	Long,	Snodgrass,
Bowersock,	Gardner, Mich.	McCall,	Snook,
Brown,	Gillet, Mass.	Marshall,	Southard,
Brownlow,	Graff,	Miers, Ind.	Spight,
Burkett,	Graham,	Miller,	Steele,
Burleson,	Green, Pa.	Moon,	Stephens, Tex.
Burton,	Grow,	Needham,	Stewart, N. J.
Candler,	Hemenway,	Neville,	Swanson,
Capron,	Hepburn,	Otjen,	Tate,
Conner,	Hill,	Padgett,	Taylor, Ala.
Cowherd,	Holliday,	Palmer,	Thomas, Iowa
Cromer,	Hooker,	Pearre,	Warner,
Curtis,	Hughes,	Pierce,	Warnock,
Cushman,	Jones, Va.	Prince,	Williams, Ill.
Dahle,	Jones, Wash.	Randell, Tex.	Williams, Miss.
Dalzell,	Kehoe,	Reeder,	Wooten,
Dayton,	Kitchin, Wm. W.	Reeves,	Zenor.
De Armond,	Kleberg,	Richardson, Ala.	
Dinsmore,	Kluttz,	Rixey,	
Dougherty,	Knox,	Robinson, Ind.	

## ANSWERED "PRESENT"—20.

Adamson,	Clark,	Jenkins,	Skiles,
Ball, Tex.	Cousins,	Loud,	Thompson,
Bankhead,	Foster, Vt.	Mann,	Trimble,
Brick,	Hay,	Metcalf,	Wanger,
Burgess,	Irwin,	Shackelford,	Wiley.

## NOT VOTING—109.

Adams,	De Graffenreid,	Ketcham,	Powers, Mass.
Bates,	Douglas,	Kitchin, Claude	Reid,
Bellamy,	Edwards,	Landis,	Rhea, Va.
Belmont,	Elliott,	Lassiter,	Richardson, Tenn.
Blakeney,	Foerderer,	Latimer,	Robb,
Boreing,	Fordney,	Lawrence,	Robertson, La.
Boutell,	Gardner, N. J.	Lester,	Rucker,
Brantley,	Gilbert,	Lever,	Rumple,
Bromwell,	Gillet, N. Y.	Lindsay,	Ruppert,
Broussard,	Glenn,	Littauer,	Russell,
Brundidge,	Gooch,	Littlefield,	Scarborough,
Bull,	Gordon,	McCulloch,	Schirm,
Caldwell,	Griggs,	McLain,	Scott,
Cassingham,	Haugen,	McRae,	Selby,
Clayton,	Heatwole,	Maddox,	Shallenberger,
Cochran,	Henry, Miss.	Mahon,	Shelden,
Connell,	Henry, Tex.	Mercer,	Sheppard,
Cooney,	Hitt,	Morrell,	Sherman,
Cooper, Tex.	Hopkins,	Mutchler,	Small,
Cooper, Wis.	Hull,	Norton,	Smith, Ky.
Corliss,	Jackson, Kans.	Overstreet,	Smith, S. W.
Creamer,	Jackson, Md.	Parker,	Smith, Wm. Alden
Crowley,	Jett,	Patterson, Tenn.	Stevens, Minn.
Crumpacker,	Kahn,	Pou,	Sutherland,

Talbert,	Tongue,	Weeks,	Young
Taylor, Ohio	Underwood,	Wheeler,	
Thayer,	Vandiver,	White,	
Thomas, N. C.	Watson,	Woods,	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. METCALF with Mr. WHEELER.

Mr. BOREING with Mr. TRIMBLE.

Mr. YOUNG with Mr. BENTON.

Mr. BULL with Mr. CROWLEY.

For the balance of the session:

Mr. WANGER with Mr. ADAMSON.

Mr. ADAMS with Mr. RUCKER.

Mr. STEVENS of Minnesota with Mr. VANDIVER.

From the 28th to the 30th:

Mr. BATES with Mr. McRAE.

Until further notice:

Mr. RUMPLE with Mr. THOMPSON.

Mr. MILLER with Mr. THOMAS of North Carolina.

Mr. FORDNEY with Mr. BURGESS.

Mr. MANN with Mr. JETT.

Mr. IRWIN with Mr. GOOCH.

Mr. JENKINS with Mr. SMITH of Kentucky.

Mr. HAUGEN with Mr. LEVER.

Mr. SKILES with Mr. TALBERT.

Mr. STEELE with Mr. COOPER of Texas.

Mr. RUSSELL with Mr. ROBERTSON of Louisiana.

Mr. SHELLEN with Mr. REID.

Mr. YOUNG with Mr. COONEY.

For the day:

Mr. FOERDERER with Mr. RHEA of Virginia.

Mr. McCLEARY with Mr. MUTCHEER.

Mr. LAWRENCE with Mr. BALL of Texas.

Mr. MORRELL with Mr. HENRY of Texas.

Mr. HULL with Mr. HENRY of Mississippi.

Mr. HEATWOLE with Mr. DE GRAFFENREID.

Mr. TONGUE with Mr. SCARBOROUGH.

Mr. DOUGLAS with Mr. SMALL.

Mr. FOSTER of Vermont with Mr. POU.

Mr. TAYLER of Ohio with Mr. GORDON.

Mr. COUSINS with Mr. COCHRAN.

Mr. CONNELL with Mr. ELLIOTT.

Mr. WOODS with Mr. RUPPERT.

Mr. SHERMAN with Mr. HAY.

Mr. CORLISS with Mr. GILBERT.

Mr. LANDIS with Mr. CLARK.

Mr. BLAKENEY with Mr. SHACKLEFORD.

Mr. KAHN with Mr. BELMONT.

Mr. OVERSTREET with Mr. UNDERWOOD.

Mr. LITTLEFIELD with Mr. RICHARDSON of Tennessee.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. BRICK with Mr. BELLAMY.

Mr. COOPER of Wisconsin with Mr. BROUSSARD.

Mr. CRUMPACKER with Mr. BRUNDIDGE.

Mr. WEEKS with Mr. McLAIN.

Mr. SUTHERLAND with Mr. WILEY.

Mr. WM. ALDEN SMITH with Mr. ROBB.

Mr. SCOTT with Mr. PATTERSON of Tennessee.

Mr. SCHIRM with Mr. NORTON.

Mr. MAHON with Mr. LINDSAY.

Mr. JACKSON of Maryland with Mr. LATIMER.

Mr. HITT with Mr. MADDOX.

Mr. GARDNER of New Jersey with Mr. EDWARDS.

Mr. POWERS of Massachusetts with Mr. CALDWELL.

For the vote:

Mr. MERCER with Mr. BRANTLEY.

Mr. HOPKINS with Mr. CREAMER.

Mr. BOUTELL with Mr. JACKSON of Kansas.

Mr. LITTAUER with Mr. LESTER.

Mr. LOUD with Mr. GRIGGS.

Mr. GILLET of New York with Mr. CLAUDE KITCHIN.

Mr. WATSON with Mr. SHALLENBERGER.

Mr. SAMUEL W. SMITH with Mr. CLAYTON.

Mr. KETCHAM with Mr. BANKHEAD.

Mr. CLARK. I should like to inquire if the gentleman from Indiana [Mr. LANDIS] voted?

The SPEAKER. He did not.

Mr. CLARK. Then I want to vote "present."

Mr. ADAMS. I should like to ask if the gentleman from Missouri [Mr. RUCKER] voted?

The SPEAKER. He did not.

Mr. ADAMS. I should like to vote "present."

The SPEAKER. The gentleman from Pennsylvania is not recorded at all, and therefore he can not vote.

Mr. CANNON. Mr. Speaker, for parliamentary reasons, I change my vote from "no" to "aye."

The result of the vote was announced as above recorded.

Mr. ALEXANDER and Mr. CANNON rose.

Mr. CANNON. Mr. Speaker—

The SPEAKER. The gentleman from Illinois.

Mr. CANNON. I will say to my friend from South Carolina—

Mr. ALEXANDER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. CANNON. The gentleman can not take me off the floor.

Mr. ALEXANDER. I desire to make the ordinary motion to reconsider, and to lay that motion on the table.

Mr. CANNON. The gentleman has not the floor for that purpose.

The SPEAKER. The Chair is of the opinion that the gentleman from New York has the right to enter that motion now.

Mr. CANNON. He has the right to enter it now—

The SPEAKER. It is a highly privileged motion, and it is customary—

Mr. CANNON. Precisely. It can be entered, but he can not take me off the floor.

The SPEAKER. The gentleman from New York is in control of his amendment. The gentleman from New York moves to reconsider the last vote, and that that motion lie on the table.

Mr. CANNON. Well, but, Mr. Speaker, I submit that while it is a privileged motion, and according to my recollection can be entered at any time within two days as a matter of privilege, yet to have it considered now, before the bill is otherwise disposed of, is to take me off the floor when I am on the floor. Undoubtedly before this matter is concluded we will have the right to have a vote upon that motion; but I have been recognized, and not even a motion to adjourn could take me off the floor.

Mr. ALEXANDER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New York [Mr. ALEXANDER] addressed the Chair: for what purpose the Chair did not know. The Chair recognized the gentleman from Illinois to go on with his bill, but the Chair asked the gentleman from New York for what purpose he rose, and then it was discovered that he was in time. He was the first one to address the Chair. The Chair regards the motion as a highly privileged one and believes it to be his duty to submit it to the House.

Mr. CANNON. And that, too, without regard to the fact that I have been recognized?

The SPEAKER. The Chair recognized the gentleman from Illinois, but the gentleman from New York was first on his feet addressing the Chair, and under the custom of the House to allow this motion to be made, the Chair thinks he should have recognized the gentleman from New York at the time, and did so as soon as he knew that the gentleman from New York was making this highly privileged motion.

Mr. CANNON. Mr. Speaker, I changed my vote for a parliamentary reason. I wanted to see whether or not New York would keep faith with Charleston, and I will ask the House to give me a yea-and-nay vote after this is disposed of.

The SPEAKER. The gentleman from New York moves to reconsider the last vote, and that that motion lie upon the table. Is there objection?

Mr. CANNON rose.

The SPEAKER. Does the gentleman from Illinois object?

Mr. CANNON. I will object, and let it be taken by a vote. I apprehend the same people will vote the same way.

The question being taken on the motion to lay on the table the motion to reconsider the last vote, it was agreed to.

The SPEAKER. The question now is on amendment No. 9, which the Clerk will report to the House.

The Clerk read as follows:

South Carolina Interstate and West Indian Exposition: For the payment of legal claims against the South Carolina Interstate and West Indian Exposition Company for labor, articles, and services rendered to said company for the work of said exposition, or for the reimbursement of any officer of said company who has advanced money or paid such claims, \$160,000, or so much thereof as may be necessary.

Mr. FINLEY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. FINLEY. I rise to move that the House recede from its disagreement to Senate amendment No. 9, and agree to the same.

The SPEAKER. That is the preferential motion. The gentleman from South Carolina moves that the House recede from its disagreement to amendment numbered 9, and agree to the same.

Mr. CANNON. Now, Mr. Speaker, I will say to the gentleman from South Carolina, if I can have a yea-and-nay vote, and I will ask one-fifth of the members to stand by me for that pur-

pose, I am ready for a vote without any discussion, if that is satisfactory to the gentleman.

Mr. FINLEY. I would like ten minutes on this.

The SPEAKER. Does the gentleman yield ten minutes to the gentleman from South Carolina?

Mr. FINLEY. Well, I will say to the gentleman from Illinois this is a matter of importance to my people in South Carolina, and when it comes up, if I were to say nothing—

Mr. CANNON. Well, if the gentleman had his trade as well made as I thought probably he had—

The SPEAKER. The Chair thinks the remark of the gentleman from Illinois is not in order.

Mr. CANNON. Well, out of courtesy to the gentleman I will yield him five minutes, and I would suggest to the gentleman that he come over nearer so that we can hear him.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. FINLEY. Mr. Speaker, I have listened very attentively to the discussion in reference to the appropriation for the Buffalo Exposition. I have endeavored in that time to collate in my mind the arguments made in so far as they would apply to South Carolina. I take it, judging from the remark of the gentleman from Indiana, it is alleged that there is no contract on the part of the Government, that the exposition is over, and the undertaking a financial failure.

The only grounds upon which an appropriation for an exposition can be based is under the general-welfare clause of the Constitution; and I go further than that, Mr. Speaker, and say that when you plant a proposition upon this provision of the Constitution it makes no difference whether the benefit arising is before the appropriation is made or afterwards. The appropriation can just as well be made after the work has been done, after the exposition has been held, as before. It is not our fault that the appropriation was not made during the Fifty-sixth Congress, when an effort was made to secure appropriations for Charleston and Buffalo. I supported both. Now, I wish to say that if this was the first time that matters like this had been brought here I would be against it.

Mr. TAWNEY. Will the gentleman yield to me for one question?

Mr. FINLEY. Certainly.

Mr. TAWNEY. Is it not a fact that a large part of this appropriation, if made, goes to an officer of the exposition of this company who has assumed debts of that company?

Mr. FINLEY. I will say this to the gentleman, that every dollar that is provided here will go to pay for labor and material and for services rendered for the purposes of the Charleston Exposition.

Mr. TAWNEY. What is the object of this language here—"or for the reimbursement of any officer of said company who has advanced money or paid such claims, \$160,000?"

Mr. FINLEY. Wherever such an advance has been made, the party making those advances stands for the contractors or laborers. Now, Mr. Speaker, more than forty times Congress has made appropriations like this. It will be urged, and it has been urged, that Charleston received \$90,000. But that was only for the Government exhibit. Not a dollar was appropriated to pay for the building in which that Government exhibit was placed, except that of the Fish Commission, possibly. The building in which the Government exhibit was placed at Charleston was provided by the exposition company and paid for by that company, and part of the money that is sought to be appropriated here goes for the purpose of helping pay for that building. So, Mr. Speaker, the facts are stated in this amendment:

For labor, articles, and services rendered to said company for the work of said exposition, or for the reimbursement of any officer of said company who has advanced money or paid such claims.

Now, when this exposition first started the people of South Carolina understood and believed that they would be treated with the same measure of consideration that all other expositions had been treated by the Congress of the United States. They believed that Congress would not hesitate to appropriate the \$250,000 asked for. Congress did not give the appropriation, but the progress of the work had advanced to such an extent that arrangements had been made, plans had been laid, and the people having control of the exposition were compelled to go on; and now, to-day, they stand the losers to the extent that they did not get the \$250,000; and I most emphatically say that if this appropriation is not carried that it will be a discrimination against Charleston and the State of South Carolina. The exposition which was held there and participated in by many of the States, and by the Hawaiians and Cubans as well, will compare favorably with any previous exposition held in this country.

I may say, Mr. Speaker, that any provision that would safeguard this appropriation would be welcomed by myself and my colleague [Mr. JOHNSON]. I will insert in my remarks a state-



ment taken in part from Senate Report No. 2382, Fifty-sixth Congress, second session:

*Aid or loans to expositions and expenses of Government exhibits.*

Centennial Exposition, Philadelphia, 1876 (repaid to United States in 1877)	\$1,500,000.00
Government exhibit	578,500.00
New Orleans Exposition, 1884	1,350,000.00
Government exhibit	300,000.00
Cincinnati Industrial Exposition, 1884: Government exhibit	10,000.00
Louisville Southern Exposition, 1884: Government exhibit	10,000.00
Atlanta Exposition, 1895: Government exhibit and building	200,000.00
Nashville, Tenn., Exposition, 1897: Government exhibit and building	130,000.00
Omaha Trans-Mississippi Exposition, 1898: Government exhibit and building	200,000.00
Philadelphia Exposition of American Products, etc.	350,000.00
Toledo Centennial Exposition	500,000.00
Pan-American Exposition (Buffalo, N. Y.)	500,000.00
Total	5,628,500.00
Appropriations for World's Columbian Exposition	5,381,835.57
Total	11,010,335.57
Louisiana Purchase Exposition	5,000,000.00
For buildings, etc., Louisiana Purchase Exposition	250,000.00
Total	16,260,335.57

Mr. CANNON. Mr. Speaker, I will take two minutes and then ask for a vote. When I was a boy, more years ago than I like to acknowledge, and when the old Democratic party was in the saddle under the leadership of its great men, its Calhouns and others, I heard much talk about State rights. I believe in State rights, but not State rights gone mad. [Laughter.] Years have passed by. I recollect the criticisms that were made upon Congressional action away back there. I heard people talk about the cohesive power of public plunder. I expect some others of you have heard that.

Times have somewhat changed, but I have lived to see the State that John C. Calhoun represented, advocate for the strict construction of the Constitution, come in and strike hands with the Empire State, and give sufficient aid and comfort for a solid vote to the Representatives of the Empire State to pass this proposition that was passed a few moments ago.

Well, I want to say here and now, that I am against both propositions. I was against the New York case with what little voice and vote I had. I am equally against this. But what is the Constitution—as another eminent son of New York, who is now out of Congress, said—"what is the Constitution betwixt friends?" [Laughter.]

If you take Buffalo—great, powerful, rich, strong—this proposition in God's chancery from Buffalo has not as much courage as the proposition that comes from Charleston, S. C., which is a small city, weak as compared with Buffalo and New York, and poor as compared to it in riches. I am against both propositions, but I want to state the facts about it.

I made a motion to reconsider and changed my vote for that purpose, with the idea that if this Charleston matter was voted down, I would make a motion to reconsider the vote with reference to the Buffalo proposition; but my golden-haired friend from New York was not to be caught by any such chaff. [Laughter.] He is an early bird, and the Speaker ruled it to be privileged. I am not quarreling with him or the Speaker.

Now, you can vote Charleston up or down, as far as I am concerned; I am going to vote against it. Two wrongs do not make a right, but I want the yeas and nays, and if there is one-fifth of those who will give them to me, we will let New York show up for Charleston as Charleston has shown up for New York. [Laughter.]

The SPEAKER. The question is on the motion of the gentleman from South Carolina [Mr. FINLEY], to recede and concur, and on that question the gentleman from Illinois asks for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 71, nays 119, answering "present" 14, not voting 146; as follows:

YEAS—71.

Alexander,	Feely,	Loudenslager,	Ryan,
Apin,	Finley,	McAndrews,	Shattuc,
Ball, Del.	Fitzgerald,	McClellan,	Showalter,
Bingham,	Flood,	McDermott,	Sibley,
Blackburn,	Gibson,	McLachlan,	Smith, H. C.
Bowie,	Glenn,	Mahoney,	Sparkman,
Brownlow,	Goldfogle,	Metcalf,	Stewart, N. Y.
Burleigh,	Griffith,	Meyer, La.	Suloway,
Burnett,	Grosvenor,	Mondell,	Sulzer,
Cassel,	Hanbury,	Moody, N. C.	Taylor, Ala.
Cassingham,	Haskins,	Moody, Oreg.	Tompkins, N. Y.
Conry,	Henry, Conn.	Mitchler,	Tompkins, Ohio
Currier,	Howard,	Nevin,	Vreeland,
Davey, La.	Johnson,	Newlands,	Wachter,
Davidson,	Knapp,	Olmsted,	Wiley,
Dick,	Lamb,	Powers, Me.	Wilson.
Dougherty,	Landis,	Ransdell, La.	
Driscoll,	Lessler,	Ray, N. Y.	

NAYS—119.

Allen, Ky.	Draper,	Knox,	Richardson, Ala.
Barney,	Esch,	Kyle,	Rixey,
Bartholdt,	Fleming,	Lacey,	Robinson, Ind.
Bartlett,	Foss,	Lanham,	Sims,
Beidler,	Fowler,	Lewis, Pa.	Slayden,
Bell,	Fox,	Little,	Smith, Ill.
Benton,	Gaines, Tenn.	Livingston,	Smith, Iowa
Blakeney,	Gaines, W. Va.	Lloyd,	Smith, S. W.
Bromwell,	Gardner, Mich.	Long,	Snodgrass,
Brown,	Gillett, Mass.	McCall,	Snook,
Brundidge,	Graff,	Mahon,	Southard,
Burke, S. Dak.	Graham,	Marshall,	Spight,
Burkett,	Green, Pa.	Martin,	Steele,
Burleson,	Grow,	Maynard,	Stephens, Tex.
Burton,	Hamilton,	Miers, Ind.	Stewart, N. J.
Butler,	Hedge,	Moon,	Storm,
Candler,	Hemenway,	Needham,	Sutherland,
Cannon,	Hepburn,	Neville,	Swanson,
Capron,	Hill,	Otjen,	Tate,
Clayton,	Holliday,	Overstreet,	Tawney,
Conner,	Hooker,	Padgett,	Thomas, Iowa
Coombs,	Hopkins,	Parker,	Tirrell,
Crumpacker,	Hughes,	Payne,	Van Voorhis,
Cushman,	Jackson, Md.	Pearre,	Warner,
Dahle,	Jones, Wash.	Perkins,	Warnock,
Dalzell,	Joy,	Pierce,	Watson,
Darragh,	Kehoe,	Prince,	Williams, Ill.
Dayton,	Kitchin, Wm. W.	Randell, Tex.	Wooten,
De Armond,	Kleberg,	Reeder,	Zenor.
Dinsmore,	Klutz,	Reeves,	

ANSWERED "PRESENT"—14.

Adams,	Emerson,	Mercer,	Trimble,
Adamson,	Hay,	Pou,	Wanger.
Ball, Tex.	Jenkins,	Skiles,	
Brick,	Mann,	Thompson,	

NOT VOTING—146.

Acheson,	Dovener,	Latimer,	Rucker,
Allen, Me.	Eddy,	Lawrence,	Rumple,
Babcock,	Edwards,	Lester,	Ruppert,
Bankhead,	Elliott,	Lever,	Russell,
Bates,	Evans,	Lewis, Ga.	Scarborough,
Bellamy,	Fletcher,	Lindsay,	Schirm,
Belmont,	Foerderer,	Littauer,	Scott,
Bishop,	Fordney,	Littlefield,	Selby,
Boreing,	Foster, Ill.	Loud,	Shackleford,
Boutell,	Foster, Vt.	Lovering,	Shafroth,
Bowersock,	Gardner, N. J.	McCleary,	Shallenberger,
Brantley,	Gilbert,	McCulloch,	Shelden,
Breazeale,	Gill,	McLain,	Sheppard,
Bristow,	Gillet, N. Y.	McRae,	Sherman,
Broussard,	Gooch,	Maddox,	Small,
Bull,	Gordon,	Mickey,	Smith, Ky.
Burgess,	Greene, Mass.	Miller,	Smith, Wm. Alden
Burk, Pa.	Griggs,	Minor,	Sperry,
Calderhead,	Hall,	Morgan,	Stark,
Caldwell,	Haugen,	Morrell,	Stevens, Minn.
Clark,	Heatwole,	Morris,	Talbert,
Cochran,	Henry, Miss.	Moss,	Taylor, Ohio
Connell,	Henry, Tex.	Mudd,	Thayer,
Cooney,	Hildebrandt,	Naphen,	Thomas, N. C.
Cooper, Tex.	Hitt,	Norton,	Tongue,
Cooper, Wis.	Howell,	Palmer,	Underwood,
Corfiss,	Hull,	Patterson, Pa.	Vandiver,
Cousins,	Irwin,	Patterson, Tenn.	Wadsworth,
Cowherd,	Jack,	Powers, Mass.	Weeks,
Creamer,	Jackson, Kans.	Pugsley,	Wheeler,
Cromer,	Jett,	Rhea, Va.	White,
Crowley,	Jones, Va.	Richardson, Tenn.	Williams, Miss.
Curtis,	Kahn,	Robb,	Woods,
Davis, Fla.	Kern,	Roberts,	Wright,
De Graffenreid,	Ketcham,	Robertson, La.	Young.
Deemer,	Kitchin, Claude	Robinson, Nebr.	
Douglas,	Lassiter,		

So the motion of Mr. FINLEY was rejected.

The following additional pairs were announced:

For the session:

Mr. WRIGHT with Mr. HALL.

For this day:

Mr. CROMER with Mr. COOPER of Texas.

On this vote:

Mr. ROBERTS with Mr. THAYER.

Mr. PATTERSON of Pennsylvania with Mr. SHAFROTH.

Mr. MORRIS with Mr. SELBY.

Mr. HOWELL with Mr. PADGETT.

Mr. BABCOCK with Mr. NAPHEN.

Mr. MINOR with Mr. McCULLOCH.

Mr. WADSWORTH with Mr. LASSITER.

Mr. JACK with Mr. KERN.

Mr. BISHOP with Mr. ROBINSON of Nebraska.

Mr. BURK of Pennsylvania with Mr. WILLIAMS of Mississippi.

Mr. CALDERHEAD with Mr. COWHERD.

Mr. GILL with Mr. PUGSLEY.

Mr. CURTIS with Mr. DAVIS of Florida.

Mr. EVANS with Mr. JONES of Virginia.

Mr. HILDEBRANT with Mr. LEWIS of Georgia.

Mr. ALLEN of Maine with Mr. BOWERSOCK.

Mr. DOVENER with Mr. ACHESON.

Mr. MUDD with Mr. STARK.

Mr. BOUTELL with Mr. JACKSON of Kansas.

Mr. CALD with Mr. GRIGGS.

Mr. LITTAUER with Mr. LESTER.  
Mr. MERCER with Mr. BRANTLEY.  
Mr. KETCHAM with Mr. BANKHEAD.

Until further notice:

Mr. GILLET of New York with Mr. CLAUDE KITCHIN.

The result of the vote was announced as above stated.

The SPEAKER. The next question in order is on amendment No. 26. But if there is no objection the Chair, before proceeding further with these amendments, will recognize the gentleman from Missouri [Mr. JOY], the acting chairman of the Committee on Accounts, who wishes to submit an urgent matter. The Chair hears no objection.

#### TEMPORARY BICYCLE MESSENGERS.

Mr. JOY. I desire to present, by unanimous consent, a resolution which has been referred to the Committee on Accounts, but which has not been considered by that committee. As acting chairman, I submit it.

The resolution was read, as follows:

*Resolved*, That the Clerk of the House of Representatives be authorized and empowered to employ during the remainder of this session of Congress three bicycle messengers, for day and night service between the enrolling room of the Clerk's office and the Government Printing Office, to be paid out of the contingent fund of the House of Representatives, at \$5 per day.

Mr. RICHARDSON of Tennessee. As I understand, these temporary messengers are provided for only the balance of this session.

Mr. JOY. That is all.

The resolution was adopted.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House was requested:

S. 6196. An act to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8586) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898."

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 14234. An act granting a pension to John Williamson;

H. R. 13875. An act authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona;

H. R. 10321. An act granting an increase of pension to Susan A. Phelps; and

H. R. 2494. An act for allowance of certain claims reported by the accounting officers of the United States Treasury Department.

#### DEFICIENCY APPROPRIATION BILL.

Mr. MONDELL. I move that the House recede from its disagreement to the amendment of the Senate No. 26, and agree to the same.

Mr. CANNON. I think the amendment ought to be read.

The Clerk read as follows:

Territory of Hawaii: To pay in part the awards rendered under an act of the legislative assembly of the Territory of Hawaii by the fire claims commission of that Territory for property destroyed in the suppression of the bubonic plague in said Territory in the years 1899 and 1900, \$1,000,000. And the governor and secretary of said Territory are hereby authorized to issue the bonds of that Territory in such sum, not exceeding \$500,000, as, together with the money hereby appropriated, may be sufficient to pay all of said awards. Said bonds shall be payable in gold coin of the United States of America of the present standard weight and fineness, shall bear interest at the rate of 4 per cent per annum, payable semiannually, and be redeemable in not less than five years and payable in not more than fifteen years from the date of issuance.

The principal and interest of all bonds shall be exempt from any and all taxes, and the payment thereof shall constitute a charge on the revenues of the Territory of Hawaii. Said bonds shall be sold at not less than their face value, and the proceeds thereof shall be applied to the payment of the awards aforesaid and to no other purpose, and they shall be of such form and denominations and be issued and sold under such rules and regulations as the Secretary of the Interior shall prescribe. Under no circumstances shall any claimant, or anyone claiming through him, be required to pay, nor shall any attorney or agent be entitled to charge, demand, or receive, directly, or indirectly, more than 10 per cent upon the amount recovered as compensation for services or labor of any kind or character in the prosecution or establishment of the claim, and in cases of contracts or agreements providing for payment of less than 10 per cent the payment shall not be increased above the percentage so agreed upon.

Before any such award shall be paid hereunder, the governor of said Territory must certify that the same is genuine and was duly rendered in pursuance of the act of the legislative assembly of the Territory; and the payment of said awards shall be in full satisfaction and discharge of any and all claims or demands against said Territory or the United States on account of any property destroyed in the said suppression of the bubonic plague.

The SPEAKER. The Chair recognizes the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I yield fifteen minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I want to say that this is an exceedingly important matter, affecting the welfare of the youngest and fairest daughter of our Republic—a group of islands that came to us at the beginning of the Spanish war of their own free will. They relinquished sovereignty and became a Territory of the United States. They have at present no representative on this floor, the delegate from that Territory being absent, and, I understand, ill. In the utterance of the few words which I wish to say in behalf of Hawaii in this matter I hope to have the attention of the House.

On the 7th of July, 1898, by the passage of a joint resolution of Congress, in conformity with the action of the Hawaiian Government, Hawaii became a part of the territory of the United States. One of the provisions of that resolution was as follows:

Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing Government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

After the passage of this resolution all of the civil, military, and judicial authority exercised in Hawaii was exercised under and by virtue of that resolution, by and through the President of the United States; and every officer of Hawaii was a Federal officer; and every act of every Federal officer of the Territory of Hawaii was an act of the Executive of the United States.

On the 12th of December, 1899, following the resolution of annexation, the bubonic plague broke out with great violence in Honolulu, the capital of the islands. It was exceedingly important, not only for Hawaii but for the United States as well, that this epidemic be stamped out at once; that it be eradicated so that it should gain no foothold on Hawaiian soil and thus be a source of constant menace to the mainland.

In view of that fact, the authorities of Hawaii proceeded to carry out the most drastic measures for the purpose of stamping out the plague. As rapidly as a case was discovered the premises were fumigated, if possible. But owing to the fact that the premises occupied by those who were stricken with the plague were largely of such a character as to make it impossible to fumigate them and purify them it became necessary to destroy them by fire.

The regularly constituted authorities of the Territory, acting in accordance with a suggestion of the officer of the Marine-Hospital Service there, proceeded, after due appraisal by several of the leading builders and business men of the city, to destroy the infected property. This continued for a very considerable length of time, the most careful appraisal being had of all the property so destroyed. The work continued for nearly four months. During this time it became necessary to destroy a vast amount of property, both buildings and merchandise and personal effects.

It became necessary to place in quarantine camps over 8,000 people and to maintain them for months. The result was that the Hawaiian government expended over \$807,000 for the suppression of the plague. This practically exhausted every dollar of cash in the Territorial treasury. After the suppression of the plague, at the suggestion of the President, by act of the Hawaiian legislature, a commission was appointed for the purpose of adjudicating the fire losses. This commission was composed of well known, competent, and trustworthy citizens of the Territory.

In the due course of time it concluded its labors and made awards amounting to \$1,473,173, the claims amounting to \$3,174,289.90. There were 6,748 claimants, mostly people in humble circumstances, the average claim amounting to less than \$217. Over 12,000 people are interested in the payment of these claims, and so the matter now stands. The board having adjudicated the claims according to law, as suggested by the President, Hawaii finds herself unable to pay them.

At the time the resolution of annexation was passed Hawaii was receiving about \$1,300,000 annually from customs duties, post-office receipts, internal-revenue taxes, and a merchandise or occupation tax, since declared unconstitutional by the Supreme Court of the United States. When the Territory first assumed responsibility for these losses, when the President first directed these methods for the eradication of the plague, Hawaii was receiving this large income. Soon thereafter, by the passage of the enabling act, Hawaii was deprived of these sources of revenue, and since that time there has been paid into the Treasury of the United States, net, above all the cost of collection, nearly \$2,500,000, which but for the passage of the enabling act Hawaii would have had with which to meet these losses.

She now finds herself confronted with the payment of one million and a half of fire claims, practically, without any source of



revenue from which to make the payment. The Government has received from her, as I have said, in the period since these losses were sustained, practically two and a half millions of dollars above all cost of collection. The expenditures were made at a time when Hawaii was not a Territory of the United States, but was territory belonging to the United States, when her officers were acting under the direction of the President of the United States, when every act of those officers was the act of the President of the United States, the act of the Government of the United States.

Now, in an effort to meet her current expenses since deprived of her customs revenue, internal revenue, and other revenue, Hawaii has increased her rate of taxation, has passed an income tax of 2 per cent on all incomes above \$1,000, has made every effort to meet her current expenses, and yet her current revenues fail to meet her present outlay, and there is at present, I understand, a deficit of nearly \$400,000 in the finances of the Territory.

Mr. GAINES of Tennessee. Mr. Speaker, can the gentleman inform me how long this plague will continue to visit these islands, and how much per year will be the expenditure he has just described; in other words, how long will this possible expense hang over the Treasury of the United States?

Mr. MONDELL. I will say to the gentleman that the plague lasted four months. It never before visited Hawaii. It is not likely to ever visit Hawaii again. Hawaii is now a full-fledged Territory, and should the plague visit Hawaii in the future, it will depend entirely upon the Hawaiian authorities to suppress it and suppress it at their own expense. The peculiar political conditions existing at the time this debt was contracted were such as to make it, in my opinion, an obligation of the Government of the United States.

Let us remember, gentlemen, that our transports were passing back and forth between San Francisco and the Philippines at that time every few days, and shiploads of our soldiers arrived at the port of Honolulu frequently, and it became necessary to use even more drastic measures than would have been necessary for the protection of the islands themselves in order to protect the soldiers going to the Philippines and the soldiers returning, in order that by no possibility should the plague ever get a foothold on the mainland of the United States.

Mr. GAINES of Tennessee. Did the soldiers bring the plague there?

Mr. MONDELL. It is not known how the plague reached there. The supposition is that the plague came there in goods from the Orient, but just how it is impossible, of course, for any finite mind to know.

Mr. GAINES of Tennessee. The plague is a regular visitor in the Philippine Islands, and if we set an example of this kind now I do not see how we can get out of it in the future.

Mr. MONDELL. I want to call the gentleman's attention to the peculiar political condition of Hawaii at this time. I call attention to the fact that if Hawaii had remained in the political condition in which she was at the time the plague occurred and these expenses were incurred, she would have paid off all this indebtedness and still have had a million dollars in her treasury, instead of a deficit. After having obligated Hawaii to the extent of a million and a half of dollars for fire losses, and an expense of \$800,000 for quarantine at a time when her revenues were sufficient to meet these expenses, since that time we have passed an enabling act and taken \$2,500,000 net from those islands and placed the money in the Treasury of the United States.

Mr. GAINES of Tennessee. How much have we paid out?

Mr. MONDELL. That is the net revenue after all expenses of collection.

Mr. GAINES of Tennessee. It goes into what treasury?

Mr. MONDELL. Into the Treasury of the United States—internal-revenue taxes, postal receipts—

Mr. GAINES of Tennessee. How much is this claim that you are talking about? I regret that I did not hear you state it.

Mr. MONDELL. Mr. Speaker, the fire losses amounted to \$1,473,000, in round numbers.

Mr. GAINES of Tennessee. What did they burn up?

Mr. MONDELL. They burned up buildings and personal property, which it became necessary to destroy in order to suppress the plague. It is proposed by the Senate amendment that the Federal Government shall pay of these losses \$1,000,000; that Hawaii shall be authorized to issue 4 per cent gold bonds for the payment of the balance. If this amendment is adopted by the House, the total expense to Hawaii for the suppression of the plague will have been, in round numbers, \$1,300,000, and the expense to the National Treasury will be \$1,000,000.

In view of the peculiar condition existing at that time; in view of the status of Hawaii at that time; in view of the fact that the Federal officers encouraged this destruction, that they recommended the appointment of a commission; in view of the fact that the loss is so great that Hawaii can by no possibility pay it,

that she is not able at this time, even with a high rate of taxation and an income tax to meet her current expenses; in view of the fact that if the plague had not been stamped out it would no doubt have spread to the mainland and cost many lives and great expense for its suppression, it seems to me that it is not only just and equitable that this provision be adopted, but further, that in a certain sense there is a legal claim upon the Government of the United States for the payment not only of part but of all of this claim.

Mr. GAINES of Tennessee. Is the gentleman certain that this revenue from the Hawaiian Islands was paid into the Treasury of the United States?

Mr. MONDELL. I am certain that the customs revenues of Hawaii and the internal-revenue and postal receipts of Hawaii all go into the Treasury of the United States.

Mr. GAINES of Tennessee. Then how are the officers over there paid?

Mr. MONDELL. What officers does the gentleman refer to?

Mr. GAINES of Tennessee. Judges and other officers.

Mr. MONDELL. They are paid out of the Territorial revenues.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I yield to the gentleman five minutes more.

Mr. MONDELL. I yield to the gentleman from Maine [Mr. POWERS] five minutes.

Mr. POWERS of Maine. Mr. Speaker, I will trespass but a few moments upon the time of the House. The Hawaiian Islands are a great way off. The 6,000 or more poor persons who are interested in this matter because their little property has been destroyed are virtually without a representative here on the floor. Sickness or something else prevents him from being here. Besides, he is not familiar with our methods and language. I believe that this claim is much more meritorious, and I think that the gentleman from Illinois [Mr. CANNON] will concede that it is much more meritorious, than either of those that have been already insisted upon, and especially is this true as to the one that has been agreed to.

Now, what are the facts? At the time this plague broke out we were governing those islands under a special act of Congress conferring the power to do so upon the President. The board of health and our consul-general—for I have talked with them—took charge of the matter. They ordered these buildings burned. In destroying these buildings to stamp out this plague the fire got away from them and burned some other portions of the city, including one church, at least. This matter has been fully investigated by the Committee on Pacific Islands and Porto Rico of the Senate, and there has been a unanimous report by that committee that these claims should be paid. It appears that the United States officials by using drastic measures succeeded in stamping out the plague in four months' time.

It also appears that Hawaii expended between eight and nine hundred thousand dollars for that purpose. It is also true that there was a commission appointed to ascertain the value of the property that had been burned and that claims to the amount of nearly \$4,000,000 were presented before it for adjudication. At that time there appeared before the commissioners contesting these claims the attorney for the Hawaiian Islands, and after a careful hearing and patient investigation, this commission, having been recommended by the President, found due something more than \$1,400,000.

Mr. GAINES of Tennessee. Who were the commissioners?

Mr. POWERS of Maine. They were leading citizens whose names I can not now give, but they are in this report. This matter was submitted to the Senate Committee on Pacific Islands and Porto Rico, and here is this voluminous record of the evidence taken by them. The Committee on Pacific Islands of the Senate, through Senator FORAKER, unanimously recommended the payment of this claim as a just one. I have no personal interest in this matter, but I have, at the request of two or three persons from those islands, who, I think, have no special interest in this claim, examined it somewhat, and I have come to the conclusion that it is just and right that something should be done by Congress to pay those people for property destroyed after we acquired the islands and before we established a Territorial government there.

The right to burn and destroy the houses under the circumstances and the necessity or propriety of so doing is not questioned. Our duty to pay at least in part for that property we can not in justice deny, and a great country like ours should not seek to avoid.

I grant that certain steps have not been taken before some committee of this House that perhaps under the rules should have been. But, as we all know, claims are allowed and paid every Congress that have not half the merit or had near the investigation these have, as these have behind them the unanimous report of a committee of the Senate.

We have taken the revenues from those islands, and have put them in the Treasury of the United States. Those islands are netting us some \$2,000,000. Means which formerly they would have had to pay they have not now. They have increased their taxation in order to do something toward paying these claims. Let me for a moment read the findings, the unanimous findings of the committee of the Senate upon this subject. I will read a very few words from it. It says:

The board of health practically took charge of the city of Honolulu, divided it into districts, put them all under inspection, and the inhabitants under quarantine.

The board was appointed from Washington. It was put in control of the situation.

The report further states:

It also found it necessary to destroy large districts of dwellings and business houses.

Then it says:

In view of this condition of the Territorial treasury, and in view of the fact that since the act of Congress of April 30, 1900, providing for a Territorial government for Hawaii went into effect, all tariff duties and internal-revenue taxes collected in Hawaii which were previously a part of the revenue for the support of the government of the Hawaiian Islands have been paid into the Treasury of the United States, amounting to the net sum, after deducting all costs of collection, of \$2,390,632.47.

Then, it further says:

The committee were unanimously of the opinion that the measures resorted to for the suppression of the plague were necessary; that the authorities of Honolulu and the Hawaiian government did all that prudent men could be expected to do, under such circumstances, to avoid incurring unnecessary expense and injury to property and yet properly protect the health of the community.

The SPEAKER. The time of the gentleman has expired.

Mr. POWERS of Maine. Can not you yield me another minute?

Mr. CANNON. I will yield the gentleman another minute.

Mr. POWERS of Maine. This destruction of property was done under the direction of the Commission having the matter in charge and representing the sovereign power of this country. We have taken away from them the revenues from which they could have paid. There are 6,000 poor people interested in this matter. They have in fact no delegate here to represent them and to urge the justice of these claims.

Mr. GAINES of Tennessee. How long do you think it would be before there would be a claim for another million?

Mr. POWERS of Maine. If the bubonic plague should break out there or elsewhere in our country every single citizen would see that it was stamped out, no matter what the expense. We would not weigh dollars in the scales against the eradicating of it. I have already said that I have no interest in this matter except my desire to see justice done at the request of certain gentlemen from those islands. I have tried during the few moments allowed to me to present the facts and the merits of this claim to the House, as the facts and merits have been unanimously found by the Committee of the Senate, as their report accompanying the printed evidence shows. [Applause.]

Mr. CANNON. I yield two minutes to the gentleman from New York.

Mr. SULZER. Mr. Speaker, just a few words. I simply want to say in relation to this appropriation that when the bubonic plague broke out in the Hawaiian Islands if it had not been promptly met and stamped out then and there, if it ever got into this country, it would not only have cost us a million dollars, but it would have cost the United States thousands and thousands of lives—men, women, and children—and several millions of dollars in the destruction of property.

This Government was equal to the emergency and met that plague at the border line. It was stamped out there and then by the burning of property, by destroying property, property that belonged to and was owned by people in the Hawaiian Islands, and it is incumbent, it seems to me, as a legal proposition that this Government, which ordered this destruction, should pay for this property. If we fail now, gentlemen, to meet this question in a broad way and a liberal spirit consistent with the dignity and the honor of the United States, then in the future when property has to be destroyed to stop the march of plague or pestilence, there may be trouble. We owe this money and we should pay it. It is honest, and I trust the motion will prevail and the amendment be adopted.

The SPEAKER. The time of the gentleman has expired.

Mr. ROBINSON of Indiana. I would like the gentleman to yield to me, that I may ask unanimous consent to extend in the RECORD remarks on immigration and labor.

The SPEAKER. The gentleman asks unanimous consent to extend in the RECORD his remarks on immigration and labor. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. I yield now to the gentleman from Connecticut.

Mr. HILL. Mr. Speaker, we have paid out three millions for the purchase of arms and to secure peace in Cuba. We have paid \$750,000 to Porto Rico for relief from a calamitous hurricane; we

have paid \$100,000, or, I believe, \$200,000 were given as a mere matter of charity to the sufferers of Martinique to relieve them from distress. Here in Hawaii, when our troops were going backward and forward, when in all human probability from the communication of these ships with the Orient and Hawaii the bubonic plague was introduced, the Americans of that island, with the energy and determination which always characterizes Americans, stepped in and asked no relief or assistance in securing us from having the plague brought to our shores.

It seems to me the least we can do, gentlemen, is to divide this expense with the Territory of Hawaii. And when they come to us and say they will pay half of the \$2,000,000 of money expended to protect us as well as themselves, we ought to pay it, and pay it without grumbling and pay it cheerfully; for, as the gentleman from New York very truly says, if the plague had come to the United States it would have cost us far more, in addition to the many lives that would have been sacrificed; and therefore I hope and believe that the committee of conference will at least meet the Senate halfway and agree that seven hundred and fifty thousand of this shall come from the revenues of the Territory and seven hundred and fifty from the revenues of the United States, if nothing else.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading Clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the Senate was requested:

S. 6286. An act prohibiting the killing or taking of seals, porpoises, whales, or marine animals, or fish of any kind in the waters of the United States by means of explosive materials, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 387. An act for the relief of Agnes A. McPhee; and

H. R. 12977. An act granting an increase of pension to William L. Church.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes.

#### DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, if I can have the attention of the committee, I will be very brief and ask for a vote. I first want to say what this amendment is. It is to pay from the Treasury of the United States \$1,000,000 as a relief to Hawaii, part of the amount that was expended in stamping out the bubonic plague. It authorizes the issue of half a million dollars of bonds by Hawaii—of her own bonds—to pay the balance. It cost a million and a half dollars to stamp out this plague.

Mr. MONDELL. Will the gentleman allow an interruption?

Mr. CANNON. Yes.

Mr. MONDELL. The gentleman knows that the Hawaiian government paid \$807,000 in stamping it out.

Mr. CANNON. So be it; she had it in the treasury to pay. Now, then, the next clause is a very wise clause—that not more than 10 per cent of the million dollars shall be paid to attorneys. Well, I think it is worth it. Not more than 10 per cent, that is, of the million that we are to pay to Hawaii is to go to attorneys. That would be \$100,000 for the attorneys, so it would be \$900,000 for Hawaii.

Mr. MONDELL. The gentleman must know, as a matter of fact, that in all probability no such amount will go to the attorneys—that this provision was inserted in order that if there were any claimants that promised to pay more than that they could only be called upon to pay 10 per cent of the amount. The evidence before the committee was that the claimants largely do not understand the English language and had to have attorneys, and the attorneys here generally get from 4 to 5 per cent.

Mr. CANNON. I only know that they could not pay more than 10 per cent. They can pay 10 per cent. If it was only 5, why not make it "not more than 5?" Why not no fees at all? I am calling attention to what it is, and I again congratulate the House, if perchance we shall pass this provision, that it can not be more than \$100,000 out of the million dollars gift that goes to the attorneys.

Now, that brings me to this proposition, and then I will talk briefly about the merits. This is legislation, a gift; it is fastened on to this bill with a grip of steel, and it wants this bill to pull it through. Now, then, what committee in the House had jurisdiction of this matter? The Committee on Territories.

Mr. MONDELL. Will the gentleman allow another interruption?

Mr. CANNON. Yes.

Mr. MONDELL. Does not the gentleman know that the



Hawaiian people have been asking their Delegate before this Congress to take up this matter ever since Congress met last fall, and that he did introduce a bill, and that it is not the fault of the Hawaiians themselves that it was not taken up by the committee?

Mr. CANNON. I am not saying whose fault it is; I am only calling attention to the fact. The Committee on Territories of the House, with the bill introduced, is silent. What ought to have been done? They ought to have reported it back to the House and have it go to the Committee of the Whole House on the state of the Union and have days for its consideration, full consideration on its merits. Has it been born that way? Is it a legal and ordinary birth? No; not at all. Now, gentlemen scold the Committee on Appropriations because it usurps jurisdiction. "We do not want this. Oh, no; we want to vindicate the rights of the legislation of the committees of this House!"

Mr. MONDELL. I would like to ask the gentleman if this measure had the sort of a birth that he indicates that it did not have; if it did not have the sort of a birth that the amendment for a million and a quarter dollars for a wart on the nose of a promontory near a shipyard which this House adopted the other day? [Laughter.]

Mr. CANNON. And the House has the power to adopt, and that is what the gentleman is asking this House to do, to adopt this illegitimate child. [Laughter.]

Mr. COOMBS. Will the gentleman allow me an interruption?

Mr. CANNON. Well, I would like to go on, because I have not commenced yet on the merits.

Mr. COOMBS. I would like to give the gentleman something to talk on about the merits. I would like to ask what part the attorneys have taken in this proposition that would entitle them to 10 per cent?

Mr. CANNON. The people interested in the claim and God know; I do not. [Laughter.]

Mr. COOMBS. I would like to ask what they have done?

Mr. CANNON. I do not know; that is what I want to find out.

Mr. MONDELL. If the gentleman is looking for information, I can tell him.

Mr. CANNON. Now, I trust I can have my own time. If I can have three minutes we will save time and have an intelligent disposition of this matter. If I may be permitted to have a few minutes without interruption, I will then be glad to yield.

Now, then, the committee of the House, presided over by the gentleman from Massachusetts, has not brought in this bill here. How does it come here? Why, the Committee on Pacific Islands in the Senate has considered this question and extracts from its report have been read here. Did that Committee on the Pacific Islands take it to the Senate and go into Committee of the Whole and consider it hour after hour until it was fully considered? Nay, nay. Nay, nay; but on the contrary, somebody in the Senate moves this amendment on this bill, a bill which must pass or the Government must stop. And so the amendment comes here. Now, what does anybody in this House know about it—intelligently, fully, so that he can say, "Of my own knowledge, looking at it from my own standpoint, the amendment ought to pass." There are not 50 persons in this House who have that kind of knowledge of it.

But even if it were a meritorious measure, the House ought to reject this amendment and say to the Senate "It is that kind of legislation which is prohibited by the rules of the House and which does not run along the lines of good legislation."

Now, ifancy I hear somebody say, "How about the merits?" Give me your attention while I guess at the merits; for the question has two sides. Thirty years ago the United States made a treaty with Hawaii under which we gave them free trade in sugar and their other products; and they gave us free trade. They did not buy much of us; but as we had for nearly all that time a duty of 1½ to 2 cents a pound on sugar coming from other parts of the world to us, the moment their sugar landed it had the 2 cents a pound added to it; so that during those thirty years we practically paid Hawaii a bounty of 2 cents a pound on her sugar, amounting in round numbers to \$100,000,000. She prospered. Great plantations grew up there, such as I have never seen anywhere else, I am not thoroughly familiar with sugar plantations; but I was down there once. Great fortunes have been piled up there; great plantations exist there now.

Hawaii was annexed with her own consent. In July, 1898, Congress passed an act which I have before me. What did we agree to do? We agreed to pay every dollar of her debt—\$4,000,000. So the moment she was annexed she was free from all kinds of debt. The United States has paid her indebtedness. I think I am correct in saying that we have also provided for taking up her depreciated money at our expense.

Mr. HILL. No; we have not.

Mr. CANNON. The gentleman from Connecticut says we have not.

Mr. HILL. And it is not depreciated, either.

Mr. CANNON. Well, I followed my friend on his proposition the other day—

Mr. HILL. But the proposition failed.

Mr. GAINES of Tennessee. We were right on this side of the House and voted it down.

Mr. CANNON. Well, be that as it may, she comes here debt free. We passed an act—known, I think, as the Newlands Act—in 1898, containing this provision:

Until Congress shall provide for the government of such islands, all the powers exercised by the officers of the existing government in said islands shall be vested in such person or persons, and shall be exercised in such manner, as the President of the United States shall direct; and the President shall have the power to remove said officers and fill the vacancies, etc.

Now, we not only assumed the debt of that country, but also the Hawaiian postal savings bank indebtedness, and so on.

In the meantime, under this act, and until later on—a year later on, almost—Hawaii was collecting the revenues from customs by virtue of this act; and they went into her own treasury. Between the time of annexation and the time of the passage of the enabling act under the lead of the gentleman from Massachusetts [Mr. Knox], chairman of the Committee on Territories, these revenues from customs went into the treasury of Hawaii. In the fullness of time she was annexed; but before annexation—in 1899, a few months before annexation—the bubonic plague developed there. It developed also in San Francisco. I do not know whether any property was destroyed in San Francisco or not—whether any houses were burned.

Mr. KAHN. It has always been a grave question whether there was any bubonic plague at any time in San Francisco. I do not believe there was.

Mr. CANNON. Nevertheless, it was alleged to be there. And there has been smallpox in Arizona and all over the country; and there have been measles, whooping cough, diphtheria, etc., everywhere.

Now, what is the rule? The rule is that the respective States or Territorial governments pay the expenses of the kind referred to. And if Los Angeles, or Phoenix, Ariz., or Albuquerque, N. Mex., had an attack of bubonic plague, and had to burn up a block of buildings, it would be a burden upon the respective State or Territory.

Mr. GAINES of Tennessee. Who pays for the burning up in the Philippine Islands?

Mr. CANNON. Well, I will not take up that subject. Such expenses are paid out of the insular revenues, not out of the United States Treasury.

Now, one word further. This very amendment recognizes the law to which I have referred. Now, is there anything from a charitable standpoint that should make Uncle Sam give a million dollars to his dusky daughter? "The fairest daughter," said my friend from Wyoming; the duskiest daughter say I. But be she dusky or fair, we want to be just to her. Is there anything in her position to make us pay this money? No. She has great industries, rich sugar plantations. She has free trade with the United States. She is owned by the United States and is absolutely without one dollar of debt, because Uncle Sam has paid it all. And now Uncle Sam is getting ready to construct there a naval station and a navy-yard. We are paying all the usual expenses—improvement of her harbors, erection of fortifications—everything of that kind.

Now, I make another proposition. She does not begin to be as poor as New Mexico is or as Arizona is. She has no debt at all, and New Mexico and Arizona and the municipalities have much debt. If we are going into the giving business to our Territories, let us have a fair divide. But now I put another proposition. This gives a million. The loss is a million and a half. Now, if it is right to give it at all, it is right to give it all.

Mr. NEWLANDS. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. CANNON. For a question only.

Mr. NEWLANDS. Mr. Speaker, I would like the gentleman to state the entire expense which Hawaii incurred in suppressing the bubonic plague—how much of that was paid out of the Hawaiian treasury and how much of it the United States Government is expected by this amendment to contribute. My understanding is that over two millions and a half were expended.

Mr. CANNON. Oh, the gentleman from Wyoming [Mr. MONDELL] has stated that.

Mr. NEWLANDS. But the gentleman speaks of the entire expenditure as a million and a half. I understand that it is pretty nearly two millions and a half, and, further, that \$850,000 was taken out of the Hawaiian treasury.

Mr. CANNON. The United States paid four millions of her debt, and gave her the customs receipts until the organizing act was passed.

Mr. POWERS of Maine. Mr. Speaker, will the gentleman yield?

Mr. CANNON. I can not yield until I answer the question.

Mr. NEWLANDS. The gentleman does not answer my query.

Mr. CANNON. I will answer the question in my own way.

Mr. Speaker. Just after the United States paid all the debt of Hawaii, four millions under the act I just read, Hawaii was entitled to all the customs revenues, and she got them for over a year, and that is where she got the \$800,000 plus, which it is alleged she paid out to eradicate this bubonic plague.

Mr. NEWLANDS. Mr. Speaker, I will ask the gentleman—

Mr. CANNON. I can not yield further until I finish the answer.

The SPEAKER. The gentleman declines to yield.

Mr. CANNON. Now, then, that leaves a million and a half yet unpaid. My proposition is, that you acknowledge the United States is not legally bound to pay, because you only give her a million and provide that she may issue her bonds for the other \$500,000. The bonds would be good, because she does not owe anything, and if she paid the whole \$1,500,000 it would not burden her any more and not as much as other Territories of the United States are burdened.

Mr. POWERS of Maine. Mr. Speaker, will the gentleman allow me to ask him a question?

Mr. CANNON. I will not, for a moment.

The SPEAKER. The gentleman declines to yield.

Mr. CANNON. Now, then, that covers the ground. Legally, we are not bound, equitably and morally we are not bound. We are not bound from any standpoint of public policy. It is the first time such a proposition has ever appeared in the House, and so far as I know the first time that it has ever been proposed to write it into the law.

If proper, let it have a natural birth and full discussion as other legislative matters have, and from the standpoint of propriety in legislation—aye, more, from the standpoint of merits, as we get it on the hop, skip, and jump, this last day of the session of Congress—let it go off, and if it has merit in equity or law, it can be considered in the ordinary way. Now, Mr. Speaker, I believe the House understands all on each side that can be said affecting the facts and the merits of this proposition, and I ask for a vote.

Mr. NEWLANDS. Mr. Speaker—

The SPEAKER. The gentleman has declined to yield. The question is on the motion of the gentleman from Wyoming that the House recede from its disagreement to this amendment and agree to the same.

The question was taken; and on a division (demanded by Mr. MONDELL) there were—ayes 22, noes 108.

So the motion was lost.

The SPEAKER. The Chair will call the attention of the gentleman from Illinois to the fact that a motion to further insist would be in order as to the two amendments that were lost, Nos. 9 and 26.

Mr. CANNON. Yes; I ask unanimous consent that that be considered as ordered.

The SPEAKER. The gentleman from Illinois asks unanimous consent that that be considered as ordered. Is there objection? There was no objection.

The SPEAKER. This brings us to amendment No. 34, on which the gentleman from Ohio gave notice that he would ask for a separate vote. The Clerk will read the amendment.

The Clerk read as follows:

Rivers and Harbors: For the improvement of the Ohio River between Cairo and Mound City, \$25,000, to continue available during the fiscal year 1903, and to be expended only if in the opinion of the Secretary of War an emergency exists making such an expenditure necessary.

Mr. BURTON. Mr. Speaker, I have a motion which I desire to submit, and which I will ask the Clerk to read.

The Clerk read as follows:

That the House recede from its disagreement and concur with an amendment as follows: Strike out at the end of the amendment the words "making such expenditures necessary" and insert in lieu thereof the words "and such expenditure is required in the interests of navigation."

The SPEAKER. The motion of the gentleman which has just been read is that the House recede and concur with an amendment. The Chair recognizes the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, so far as I am concerned this is a matter that dwells peculiarly with the Committee on Rivers and Harbors, and I am very glad indeed that the gentleman from Ohio and his committee have considered it.

The SPEAKER. How much time does the gentleman from Illinois yield?

Mr. CANNON. I have no objection to the proposition, if it meets with the approval of the Committee on Rivers and Harbors.

Mr. BURTON. The amount is not large, but there is a question of policy involved which is very important.

Mr. CANNON. I yield to the gentleman from Ohio such time as he desires.

Mr. BURTON. I shall not require more than five minutes, certainly. The House Committee on Rivers and Harbors very

carefully excluded from the bill passed at this session any provision for bank protection merely, or for the protection of private property, except as was stated at the time, the levees on the Mississippi River, if they are to be considered as merely for the protection of property, a question about which there is a difference of opinion. This rule was enforced on the Ohio, on the Mississippi River above Cairo, on the Missouri, and in other places.

The amendment in the form in which it passed the Senate would leave the question open whether this \$25,000 could not be expended merely for protecting the banks between Mound City and Cairo. The amendment as offered here allows the Secretary of War to expend this money only in case an emergency exists and such improvement is required in the interest of navigation. I am informed that a serious emergency does exist there; that the water is undermining the banks. It is possible that this proposed expenditure will be required for legitimate uses of navigation, but if it is not so required this House ought not to authorize it. This amendment will restrict the Secretary of War in his action to that line of policy which was insisted upon by the House and will authorize him to use this money only in case navigation requires it. I think, Mr. Speaker, this is all I desire to say upon the subject.

Mr. CANNON. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. SMITH].

Mr. SMITH of Illinois. Mr. Speaker, as was stated by the chairman of the Committee on Rivers and Harbors, information has reached us that a great emergency exists on the Ohio River between Cairo and Mound City, calling for at least this amount of appropriation. I note that an amendment is offered by the gentleman from Ohio [Mr. BURTON] by which he would endeavor to restrict the expenditure of this money only to the improvement of navigation of the river.

If my information is correct with reference to conditions there, and that information comes from the very best of sources—from letters, telegrams, statements, and petitions sent to me, which I filed in the Senate before the pending Senate amendment was offered—the emergency is a great one; and if it is as bad as the people there believe, and they think it is—and they have the opportunity to know the facts, and I believe they have been correctly stated—there will be no question but what the expenditure of this money will be necessary in the interest of navigation. But considering the great liberality which we have shown here to-day in giving away to the Buffalo Exposition \$500,000, where we did not owe a cent, and making other provisions where, as stated by the chairman of the Committee on Appropriations, we are neither legally nor equitably nor morally bound; considering those conditions, I regret very much that the language used in this amendment is insisted upon by the chairman of the Committee on Rivers and Harbors.

I am fully aware, however, of the position that committee has taken with reference to these appropriations, and that the amendment which the gentleman offers is in compliance with and consistent with the requirements they have made in all other cases. Believing there will be no question but what, if this appropriation is made, it will be necessary in the interest of navigation, and will be so construed by the Secretary of War, and that there will be no question but that it will be so expended, I will not further antagonize the amendment of the gentleman from Ohio.

At my request he and other members of his committee conferred with me fully on this matter and finally agreed that with this slight amendment inserted, and which I do not consider will materially change the effect of the Senate amendment, and a majority of the Committee on Rivers and Harbors have joined in a written statement to the House conferees that with the modification of the Senate amendment as contained in the motion of the gentleman from Ohio, they would not object to or oppose the retention of the Senate amendment; and the chairman of the Committee on Appropriations having indicated that with the concurrence of the Rivers and Harbors Committee he would not further resist the Senate amendment appropriating the \$25,000, I will ask that the amendment of the gentleman from Ohio be concurred in; that the House recede from its disagreement, and that the Senate amendment as modified be adopted, and the appropriation of \$25,000 asked for be made.

Mr. CANNON. Let us have a vote.

The SPEAKER. The question is on the motion of the gentleman from Ohio [Mr. BURTON], to recede and concur with an amendment.

The motion was agreed to.

Mr. CANNON. I believe that completes the bill.

The SPEAKER. Without objection, the usual motion asking for a further conference will prevail.

There was no objection.

The SPEAKER announced as conferees on the part of the House Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON.



## SUSPENSION OF THE RULES.

Mr. GROSVENOR. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Ohio calls up a privileged report from the Committee on Rules, which will be reported by the Clerk.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution No. 395, have had the same under consideration, and recommend that it be agreed to: "Resolved, That for the remainder of the session the motion to suspend the rules shall be in order at any time, under all the conditions governing the motion on the first and third Mondays of a month."

The SPEAKER. The question is on agreeing to the resolution.

Mr. UNDERWOOD. I will say, Mr. Speaker, that it is evident that the House is about ready to adjourn, and it is always customary to have this resolution, or the rules themselves if we had passed an adjournment resolution would have served the same purpose without having a special rule brought in. The fact being that we are about ready to adjourn, and this resolution having been brought in without any adjournment resolution, I would like to ask the gentleman from Ohio if his side of the House is prepared to state when we will adjourn?

Mr. GROSVENOR. Mr. Speaker, it has been thought best not to tie the hands of the House by the passage of a resolution of adjournment until certain of the most important matters are either disposed of or are in such a shape that we can calculate accurately the proper time to adjourn, and so, pending that time, this rule has been brought in here, in order that certain matters about which there is no special controversy may be called up by a stronger position in their favor than mere requests for unanimous consent.

Mr. UNDERWOOD. I would like to ask the gentleman from Ohio whether his side of the House proposes to adjourn without any legislation in reference to the Cuban matter or with reference to trust legislation?

Mr. GROSVENOR. I presume that our side of the House proposes to adjourn whenever a majority of the entire House votes in favor of a resolution to that effect.

Mr. UNDERWOOD. I wanted to know of the gentleman if we are to adjourn without legislation of that character?

Mr. GROSVENOR. The gentleman is as good a judge of that question as I am. I demand the previous question.

The question was taken, and the previous question was ordered, and under the operation thereof the resolution was agreed to.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

## CONFERENCE REPORTS AND STATEMENTS.

Mr. DALZELL. Mr. Speaker, I present the following report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, having had the following rule under consideration, reports the same to the House with the recommendation that it be adopted:

Resolved, That the rule requiring the presentation and printing of conference reports and statements one day before consideration by the House be, and the same is hereby, suspended during the remainder of this session.

The question was taken, and the resolution was agreed to.

## ALASKA.

The SPEAKER. The unfinished business is the matter called up by the gentleman from Illinois [Mr. WARNER], being Senate bill 6139. There is a point of order pending, made by the gentleman from Tennessee [Mr. RICHARDSON], who does not appear to be in his seat. The Chair will state that the gentleman from Tennessee told the Chair that he intended to withdraw his point of order, but would like his colleague, Mr. BALL of Texas, to have two minutes. If the gentleman will yield for that purpose, the Chair will, on the statement of the gentleman from Tennessee, recognize the gentleman from Texas [Mr. BALL] for two minutes.

Mr. BALL of Texas. Mr. Speaker, I will state that the bill under consideration was very carefully considered by the Committee on Revision of the Laws. The part objected to by the gentleman from Tennessee, relating to taxation, is only authority conferred upon the people of Alaska to provide taxes by municipal authority for the use of towns and cities for fire protection, etc., and to maintain their public schools. So much of the bill as relates to the formation of corporations has been very carefully considered. The restrictions upon the corporate powers conferred upon these corporations are as severe and as onerous, perhaps more so, than is imposed by any one of the States of the Union.

The bill is urgent and ought to be passed at this session of Congress. It has already passed the Senate in practically the form reported as to formation of corporations, and the bill as reported is an amendment of the bill which passed through the Senate. The fact that it comes upon the heels of the session of Congress

is only caused by the fact that the Committee on Revision of the Laws desired to give the bill careful and proper attention before reporting it, and not with any intention of rushing it through in the closing hours of the session. I think it very important that the bill should be passed, as it has been carefully prepared and is urgently needed by the people of Alaska to maintain their municipal governments, to sustain their public schools, and to prevent wild-cat corporations from the exploitation of that Territory.

The bill, I think, was properly considered by the Committee on the Revision of the Laws. A part of it, it is true, might properly go to the Committee on Territories. The other part of it should go to the Committee on Revision of the Laws, which considered and reported the bill providing for a civil code for Alaska in the last session of the Congress. I hope the gentleman from Tennessee will withdraw his objection.

Mr. RICHARDSON of Tennessee. In view of the statement the gentleman from Texas has made, and which he told me he intended to make, I desire to withdraw the points of order which I submitted.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WARNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

## ALLOTMENT OF LANDS OF CHEROKEE NATION.

Mr. CURTIS. Mr. Speaker, I call from the Speaker's table Senate bill 5956, and move to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Kansas moves to suspend the rules and take from the Speaker's table, to be passed, the following bill:

The Clerk read as follows:

A bill (S. 5956) to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes.

Be it enacted, etc.,

## DEFINITION OF WORDS EMPLOYED HEREIN.

SECTION 1. The words "nation" and "tribe" shall each be held to refer to the Cherokee Nation or tribe of Indians in Indian Territory.

SEC. 2. The words "principal chief" or "chief executive" shall be held to mean the principal chief of said tribe.

SEC. 3. The words "Dawes Commission" or "Commission" shall be held to mean the United States Commission to the Five Civilized Tribes.

SEC. 4. The word "minor" shall be held to mean males under the age of 21 years and females under the age of 18 years.

SEC. 5. The terms "allotable lands" or "lands allottable" shall be held to mean all the lands of the Cherokee tribe not herein reserved from allotment.

SEC. 6. The word "select" and its various modifications, as applied to allotments and homesteads, shall be held to mean the formal application at the land office, to be established by the Dawes Commission for the Cherokee Nation, for particular tracts of land.

SEC. 7. The words "member" or "members" and "citizen" or "citizens" shall be held to mean members or citizens of the Cherokee Nation, in the Indian Territory.

SEC. 8. Every word in this act importing the masculine gender may extend and be applied to females as well as males, and the use of the plural may include also the singular, and vice versa.

## APPRAISEMENT OF LANDS.

SEC. 9. The lands belonging to the Cherokee tribe of Indians in Indian Territory, except such as are herein reserved from allotment, shall be appraised at their true value: *Provided*, That in the determination of the value of such land consideration shall not be given to the location thereof, to any timber thereon, or to any mineral deposits contained therein, and shall be made without reference to improvements which may be located thereon.

SEC. 10. The appraisement, as herein provided, shall be made by the Commission to the Five Civilized Tribes, under the direction of the Secretary of the Interior.

## ALLOTMENT OF LANDS.

SEC. 11. There shall be allotted by the Commission to the Five Civilized Tribes and to each citizen of the Cherokee tribe, as soon as practicable after the approval by the Secretary of the Interior of his enrollment as herein provided, land equal in value to 110 acres of the average allottable lands of the Cherokee Nation, to conform as nearly as may be to the areas and boundaries established by the Government survey, which land may be selected by each allottee so as to include his improvements.

SEC. 12. For the purpose of making allotments and designating homesteads hereunder, the 40-acre, or quarter of a quarter section, subdivision established by the Government survey may be dealt with as if further subdivided into four equal parts in the usual manner, thus making the smallest legal subdivision 10 acres, or a quarter of a quarter of a section.

SEC. 13. Each member of said tribe shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to 40 acres of the average allottable lands of the Cherokee Nation, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of the certificate of allotment. Separate certificate shall issue for said homestead. During the time said homestead is held by the allottee the same shall be nontaxable and shall not be liable for any debt contracted by the owner thereof while so held by him.

SEC. 14. Lands allotted to citizens shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation, or be alienated by the allottee or his heirs, before the expiration of five years from the date of the ratification of this act.

SEC. 15. All lands allotted to the members of said tribe, except such land as is set aside to each for a homestead as herein provided, shall be alienable in five years after issuance of patent.

SEC. 16. If for any reason an allotment should not be selected or a homestead designated by or on behalf of any member of the tribe, it shall be the duty of said Commission to make said selection and designation.

SEC. 17. In the making of allotments and in the designation of homesteads for members of said tribe, said Commission shall not be required to divide

lands into tracts of less than the smallest legal subdivision provided for in section 12 hereof.

SEC. 18. It shall be unlawful after ninety days after the ratification of this act by the Cherokees for any member of the Cherokee tribe to inclose or hold possession of, in any manner, by himself or through another, directly or indirectly, more lands in value than that of 110 acres of average allottable lands of the Cherokee Nation, either for himself or for his wife, or for each of his minor children, if members of said tribe; and any member of said tribe found in such possession of lands, or having the same in any manner inclosed, after the expiration of ninety days after the date of the ratification of this act shall be deemed guilty of a misdemeanor.

SEC. 19. Any person convicted of violating any of the provisions of section 18 of this act shall be punished by a fine of not less than \$100, shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every \$2 of said fine and costs), and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist shall be deemed a separate offense. The United States district attorney for the northern district is required to see that the provisions of said section 18 are strictly enforced, and he shall immediately, after the expiration of the ninety days after the ratification of this act proceed to dispossess all persons of such excessive holdings of lands and to prosecute them for so unlawfully holding the same, and the Commission to the Five Civilized Tribes shall have authority to make investigations of all violations of section 18 and make report thereon to the United States district attorney.

SEC. 20. If any person whose name appears upon the roll prepared as herein provided shall have died subsequent to the 1st day of September, 1902, and before receiving his allotment, the lands to which such person would have been entitled if living shall be allotted in his name, and shall, according to the laws of descent and distribution as provided in chapter 43 of Mansfield's Digest of the Statutes of Arkansas: *Provided*, That the allotment thus to be made shall be selected by a duly appointed administrator or executor. If, however, such administrator or executor be not duly and expeditiously appointed, or fails to act promptly when appointed, or for any other cause such selection be not so made within a reasonable and proper time, the Dawes Commission shall designate the lands thus to be allotted.

SEC. 21. Allotment certificates issued by the Dawes Commission shall be conclusive evidence of the right of an allottee to the tract of land described therein, and the United States Indian agent for the Union Agency shall, under the direction of the Secretary of the Interior, upon the application of the allottee, place him in possession of his allotment, and shall remove therefrom all persons objectionable to him, and the acts of the Indian agent hereunder shall not be controlled by the writ or process of any court.

SEC. 22. Exclusive jurisdiction is hereby conferred upon the Commission to the Five Civilized Tribes, under the direction of the Secretary of the Interior, to determine all matters relative to the appraisal and the allotment of lands.

SEC. 23. All Delaware Indians who are members of the Cherokee Nation shall take lands and share in the funds of the tribe, as their rights may be determined by the judgment of the Court of Claims, or by the Supreme Court if appealed, in the suit instituted therein by the Delawares against the Cherokee Nation, and now pending; but if said suit be not determined before said Commission is ready to begin the allotment of lands of the tribe as herein provided, the Commission shall cause to be segregated 157,600 acres of land, including lands which have been selected and occupied by Delawares in conformity to the provisions of their agreement with the Cherokees dated April 8, 1867, such lands so to remain, subject to disposition according to such judgment as may be rendered in said cause; and said Commission shall thereupon proceed to the allotment of the remaining lands of the tribe as aforesaid.

Said Commission shall, when final judgment is rendered, allot lands to such Delawares in conformity to the terms of the judgment and their individual rights thereunder. Nothing in this act shall in any manner impair the rights of either party to said contract as the same may be finally determined by the court, or shall interfere with the holdings of the Delawares under their contract with the Cherokees of April 8, 1867, until their rights under said contract are determined by the courts in their suit now pending against the Cherokees, and said suit shall be advanced on the dockets of said courts and determined at the earliest time practicable.

#### RESERVATIONS.

SEC. 24. The following lands shall be reserved from the allotment of lands herein provided for:

(a) All lands set apart for town sites by the provisions of the act of Congress of June 28, 1898 (30 Stats., p. 495), the provisions of the act of Congress of May 31, 1900 (31 Stats., p. 221), and by the provisions of this act.

(b) All lands to which, upon the date of the ratification of this act, any railroad company may, under any treaty or act of Congress, have a vested right for right of way, depots, station grounds, water stations, stock yards, or similar uses only, connected with the maintenance and operation of the railroad.

(c) All lands selected for town cemeteries not to exceed 20 acres each.

(d) One acre of land for each Cherokee schoolhouse not included in town sites or herein otherwise provided for.

(e) Four acres for Willie Halsell College at Vinita.

(f) Four acres for Baptist Mission school at Tahlequah.

(g) Four acres for Presbyterian school at Tahlequah.

(h) Four acres for Park Hill Mission school south of Tahlequah.

(i) Four acres for Elm Springs Mission school at Barren Fork.

(j) Four acres for Dwight Mission school at Sallisaw.

(k) Four acres for Skiatook Mission near Skiatook.

(l) Four acres for Lutheran Mission school on Illinois River north of Tahlequah.

(m) Sufficient ground for burial purposes where neighborhood cemeteries are now located, not to exceed 3 acres each.

(n) One acre for each church house outside of towns.

(o) One square now occupied by the capitol building at Tahlequah.

(p) The grounds now occupied by the national jail at Tahlequah.

(q) The grounds now occupied by the Cherokee Advocate printing office at Tahlequah.

(r) Forty acres for the Cherokee Male Seminary near Tahlequah.

(s) Forty acres for the Cherokee Female Seminary at Tahlequah.

(t) One hundred and twenty acres for the Cherokee Orphan Asylum on Grand River.

(u) Forty acres for colored high school in Tahlequah district.

(v) Forty acres for the Cherokee Insane Asylum.

(w) Four acres for the school for blind, deaf, and dumb children near Fort Gibson.

The acre so reserved for any church or schoolhouse in any quarter section of land shall be located where practicable in a corner of such quarter section adjacent to the section lines thereof.

*Provided*, That the Methodist Episcopal Church South may, within twelve months after the ratification of this act, pay \$10 per acre for the 160 acres of land adjacent to the town of Vinita, and heretofore set apart by act of the Cherokee national council for the use of said church for missionary and edu-

cational purposes, and now occupied by Willie Halsell College (formerly Galloway College), and shall thereupon receive title thereto; but if said church fail so to do it may continue to occupy said 160 acres of land as long as it uses same for the purposes aforesaid.

Any other school or college in the Cherokee Nation which claims to be entitled under the law to a greater number of acres than is set apart for said school or college by section 24 of this act may have the number of acres to which it is entitled by law. The trustees of such school or college shall, within sixty days after the ratification of this act, make application to the Secretary of the Interior for the number of acres to which such school or college claims to be entitled, and if the Secretary of the Interior shall find that such school or college is, under the laws and treaties of the Cherokee Nation in force prior to the ratification of this act, entitled to a greater number of acres of land than is provided for in this act, he shall so determine and his decision shall be final.

The amount so found by the Secretary of the Interior shall be set apart for the use of such college or school as long as the same may be used for missionary and educational purposes: *Provided*, That the trustees of such school or college shall pay \$10 per acre for the number of acres so found by the Secretary of the Interior and which have been heretofore set apart by act of the Cherokee national council for use of such school or college for missionary or educational purposes, and upon the payment of such sum within sixty days after the decision of the Secretary of the Interior said college or school may receive a title to such land.

#### ROLL OF CITIZENSHIP.

SEC. 25. The roll of citizens of the Cherokee Nation shall be made as of September 1, 1902, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes.

SEC. 26. The names of all persons living on the 1st day of September, 1902, entitled to be enrolled as provided in section 25 hereof, shall be placed upon the roll made by said Commission, and no child born thereafter to a citizen, and no white person who has intermarried with a Cherokee citizen since the 16th day of December, 1895, shall be entitled to enrollment or to participate in the distribution of the tribal property of the Cherokee Nation.

SEC. 27. Such rolls shall in all other respects be made in strict compliance with the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., p. 495), and the act of Congress approved May 31, 1900 (31 Stats., p. 221).

SEC. 28. No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation.

SEC. 29. For the purpose of expediting the enrollment of the Cherokee citizens and the allotment of lands as herein provided, the said Commission shall, from time to time, and as soon as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final roll of citizens of the Cherokee tribe, upon which allotment of land and distribution of other tribal property shall be made. When there shall have been submitted to and approved by the Secretary of the Interior lists embracing the names of all those lawfully entitled to enrollment, the roll shall be deemed complete. The roll so prepared shall be made in quadruplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the principal chief of the Cherokee Nation, and one to remain with the Commission to the Five Civilized Tribes.

SEC. 30. During the months of September and October, in the year 1902, the Commission to the Five Civilized Tribes may receive applications for enrollment of such infant children as may have been born to recognized and enrolled citizens of the Cherokee Nation on or before the 1st day of September, 1902, but the application of no person whomsoever for enrollment shall be received after the 31st day of October, 1902.

SEC. 31. No person whose name does not appear upon the roll prepared as herein provided shall be entitled to in any manner participate in the distribution of the common property of the Cherokee tribe, and those whose names appear thereon shall participate in the manner set forth in this act: *Provided*, That no allotment of land or other tribal property shall be made to any person, or to the heirs of any person, whose name is on said roll and who died prior to the 1st day of September, 1902. The right of such person to any interest in the lands or other tribal property shall be deemed to have become extinguished and to have passed to the tribe in general upon his death before said date, and any person or persons who may conceal the death of anyone on said roll as aforesaid for the purpose of profiting by said concealment, and who shall knowingly receive any portion of any land or other tribal property or of the proceeds so arising from any allotment prohibited by this section, shall be deemed guilty of a felony, and shall be proceeded against as may be provided in other cases of felony, and the penalty for this offense shall be confinement at hard labor for a period of not less than one year nor more than five years, and in addition thereto a forfeiture to the Cherokee Nation of the lands, other tribal property, and proceeds so obtained.

#### SCHOOLS.

SEC. 32. The Cherokee school fund shall be used, under the direction of the Secretary of the Interior, for the education of children of Cherokee citizens, and the Cherokee schools shall be conducted under rules prescribed by him according to Cherokee laws, subject to such modifications as he may deem necessary to make the schools most effective and to produce the best possible results; said schools to be under the supervision of a supervisor appointed by the Secretary and a school board elected by the national council.

SEC. 33. All teachers shall be examined by said supervisor, and said school board and competent teachers and other persons to be engaged in and about the schools with good moral character only shall be employed; but where all qualifications are equal, preference shall be given to citizens of the Cherokee Nation in such employment.

SEC. 34. All moneys for carrying on the schools shall be appropriated by the Cherokee national council, not to exceed the amount of the Cherokee school fund; but if the council fail or refuse to make the necessary appropriations, the Secretary of the Interior may direct the use of a sufficient amount of the school fund to pay all necessary expenses for the efficient conduct of the schools, strict account therefor to be rendered to him and the principal chief.

SEC. 35. All accounts for expenditures in carrying on the schools shall be examined and approved by said supervisor, and also by the general superintendent of Indian schools in the Indian Territory, before payment thereof is made.

SEC. 36. The interest arising from the Cherokee orphan fund shall be used, under the direction of the Secretary of the Interior, for maintaining the Cherokee Orphan Asylum for the benefit of the Cherokee orphan children.

#### ROADS.

SEC. 37. Public highways or roads 2 rods in width, being 1 rod on each side of the section line, may be established along all section lines without any compensation being paid therefor, and all allottees, purchasers, and



others shall take the title to such lands subject to this provision; and public highways or roads may be established elsewhere whenever necessary for the public good, the actual value of the land taken elsewhere than along section lines to be determined under the direction of the Secretary of the Interior while the tribal government continues and to be paid by the Cherokee Nation during that time; and if buildings or other improvements are damaged in consequence of the establishment of such public highways or roads, whether along section lines or elsewhere, such damages, during the continuance of the tribal government, shall be determined and paid for in the same manner.

#### TOWN SITES.

SEC. 38. The lands which may hereafter be set aside and reserved for town sites upon the recommendation of the Dawes Commission under the provisions of the act of Congress approved May 31, 1900 (31 Stats., p. 221), shall embrace such acreage as may be necessary for the present needs and reasonable prospective growth of such town sites, not to exceed 640 acres for each town site.

SEC. 39. Whenever any tract of land shall be set aside by the Secretary of the Interior for town-site purposes, as provided in said act of May 31, 1900, or by the terms of this act, which is occupied at the time of such segregation by any member of the Cherokee Nation, such occupant shall be allowed to purchase any lot upon which he then has improvements other than fences, tillage, and temporary improvements, in accordance with the provisions of the act of June 28, 1898 (30 Stats., p. 495), or, if he so elects, the lot will be sold under rules and regulations to be prescribed by the Secretary of the Interior, and he shall be fully compensated for his improvements thereon out of the funds of the tribe arising from the sale of the town sites, the value of such improvements to be determined by a board of appraisers, one member of which shall be appointed by the Secretary of the Interior, one by the chief executive of the tribe, and one by the occupant of the land, said board of appraisers to be paid such compensation for their services as may be determined by the Secretary of the Interior out of any appropriations for surveying, laying out, platting, and selling town sites.

SEC. 40. All town sites which may hereafter be set aside by the Secretary of the Interior on the recommendation of the Commission to the Five Civilized Tribes, under the provisions of the act of Congress approved May 31, 1900 (31 Stats., p. 221), with the additional acreage added thereto, as well as all town sites set aside under the provisions of this act having a population of less than 200, shall be surveyed, laid out, platted, appraised, and disposed of in like manner, and with like preference rights accorded to owners of improvements as other town sites in the Cherokee Nation are surveyed, laid out, platted, appraised, and disposed of under the act of Congress of June 28, 1898 (30 Stats., p. 495), as modified or supplemented by the act of May 31, 1900. *Provided*, That as to the town sites set aside as aforesaid the owner of the improvements shall be required to pay the full appraised value of the lot instead of the percentage named in said act of June 28, 1898 (30 Stats., p. 495).

SEC. 41. Any person being in possession or having the right to the possession of any town lot or lots, as surveyed and platted under the direction of the Secretary of the Interior, in accordance with the act of Congress approved May 31, 1900 (31 Stats., p. 221), the occupancy of which lot or lots was originally acquired under any town-site act of the Cherokee Nation, and owning improvements thereon, other than temporary buildings, fencing, or tillage, shall have the right to purchase the same at one-fourth of the appraised value thereof.

SEC. 42. Any person being in possession of, or having the right to the possession of, any town lot or lots, as surveyed and platted under the direction of the Secretary of the Interior, in accordance with the act of Congress approved May 31, 1900 (31 Stats., p. 221), the occupancy of which lot or lots was originally acquired under any town-site act of the Cherokee Nation, and not having any improvements thereon, shall have the right to purchase the same at one-half of the appraised value thereof.

SEC. 43. Any citizen in rightful possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the occupancy of which has not been acquired under tribal laws, shall have the right to purchase same by paying one-half the appraised value thereof. *Provided*, That any other person in undisputed possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the occupancy of which has not been acquired under tribal laws, shall have the right to purchase such lot by paying the appraised value thereof.

SEC. 44. All lots not having thereon improvements other than temporary buildings, fencing, and tillage, the sale or disposition of which is not herein otherwise specifically provided for, shall be sold within twelve months after appraisement, under the direction of the Secretary of the Interior, after due advertisement, at public auction, to the highest bidder, at not less than their appraised value.

SEC. 45. When the appraisement of any town lot is made and approved, the town-site commission shall notify the claimant thereof of the amount of appraisement, and he shall, within sixty days thereafter, make payment of 10 per cent of the amount due for the lot, and four months thereafter he shall pay 15 per cent additional, and the remainder of the purchase money he shall pay in three equal annual installments without interest; but if the claimant of any such lot fail to purchase same or make the first and second payments aforesaid or make any other payment within the time specified, the lot and improvements shall be sold at public auction to the highest bidder, under the direction of the Secretary of the Interior, at a price not less than its appraised value.

SEC. 46. When any improved lot shall be sold at public auction because of the failure of the person owning improvements thereon to purchase same within the time allowed in said act of Congress approved June 28, 1898 (30 Stats., p. 495), said improvements shall be appraised by a committee, one member of which shall be selected by the owner of the improvements and one member by the purchaser of said lot; and in case the said committee is not able to agree upon the value of said improvements, the committee may select a third member, and in that event the determination of the majority of the committee shall control. Said committee of appraisement shall be paid such compensation for their services by the two parties in interest, share and share alike, as may be agreed upon, and the amount of said appraisement shall be paid by the purchaser of the lot to the owner of the improvements in cash within thirty days after the decision of the committee of appraisement.

SEC. 47. The purchaser of any unimproved town lot sold at public auction shall pay 25 per cent of the purchase money at the time of the sale, and within four months thereafter he shall pay 25 per cent additional, and the remainder of the purchase money he shall pay in two equal annual installments without interest.

SEC. 48. Such towns in the Cherokee Nation as may have a population of less than 200 people not otherwise provided for, and which, in the judgment of the Secretary of the Interior, should be set aside as town sites, shall have their limits defined as soon as practicable after the approval of this act in the same manner as provided for other town sites.

SEC. 49. The town authorities of any town site in said Cherokee Nation may select and locate, subject to the approval of the Secretary of the Interior, a cemetery within suitable distance from said town, to embrace such number of acres as may be deemed necessary for such purpose. The town-

site commission shall appraise the same at its true value, and the town may purchase the same within one year from the approval of the survey by paying the appraised value. If any citizen have improvements thereon, said improvements shall be appraised by said town-site commission and paid for by the town: *Provided*, That lands already laid out by tribal authorities for cemeteries shall be included in the cemeteries herein provided for without cost to the towns, and the holdings of the burial lots therein now occupied for such purpose shall in no wise be disturbed: *And provided further*, That any park laid out and surveyed in any town shall be duly appraised at a fair valuation, and the inhabitants of said town shall, within one year after the approval of the survey and the appraisement of said park by the Secretary of the Interior, pay the appraised value to the proper officer for the benefit of the tribe.

SEC. 50. The United States shall pay all expenses incident to surveying, platting, and disposition of town lots, and all allotments of lands made under the provisions of this plan of allotment, except where the town authorities may have been or may be duly authorized to survey and plat their respective towns at the expense of such towns.

SEC. 51. No taxes shall be assessed by any town government against any town lot remaining unsold, but taxes may be assessed against any town lot sold as herein provided.

SEC. 52. If the purchaser of any town lot fail to make payment of any sum when due, the same shall thereafter bear 6 per cent interest per annum until paid.

SEC. 53. All lots or parts of lots, not exceeding 50 by 150 feet in size, upon which church houses and parsonages have been erected, and which are occupied as such at the time of appraisement, shall be conveyed gratuitously to the churches to which such improvements belong, and if such churches have inclosed other adjoining lots actually necessary for their use, they may purchase the same by paying the appraised value thereof.

SEC. 54. Whenever the chief executive of the Cherokee Nation fails or refuses to appoint a town-site commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the town-site commissioners appointed by the chief executive to qualify or act, or otherwise, the Secretary of the Interior, in his discretion, may appoint a commissioner to fill the vacancy thus created.

SEC. 55. The purchaser of any town lot may at any time pay the full amount of the purchase money, and he shall thereupon receive title thereof.

SEC. 56. Any person may bid for and purchase any lot sold at public auction as herein provided.

SEC. 57. The United States may purchase in any town in the Cherokee Nation suitable lands for court-houses, jails, or other necessary public purposes for its use by paying the appraised value thereof, the same to be selected under the direction of the department for whose use such lands are needed, and if any person have improvements thereon the same shall be appraised in like manner as other town property, and shall be paid for by the United States.

#### TITLES.

SEC. 58. The Secretary of the Interior shall furnish the principal chief with blank patents necessary for all conveyances herein provided for, and when any citizen receives his allotment of land, or when any allotment has been so ascertained and fixed that title should under the provisions of this act be conveyed, the principal chief shall thereupon proceed to execute and deliver to him a patent conveying all the right, title, and interest of the Cherokee Nation, and of all other citizens, in and to the lands embraced in his allotment certificate.

SEC. 59. All conveyances shall be approved by the Secretary of the Interior, which shall serve as a relinquishment to the grantee of all the right, title, and interest of the United States in and to the lands embraced in his patent.

SEC. 60. Any allottee accepting such patent shall be deemed to assent to the allotment and conveyance of all the lands of the tribe as provided in this act, and to relinquish all his right, title, and interest to the same, except in the proceeds of lands reserved from allotment.

SEC. 61. The acceptance of patents for minors and incompetents by persons authorized to select their allotments for them shall be deemed sufficient to bind such minors and incompetents as to the conveyance of all other lands of the tribe.

SEC. 62. All patents, when so executed and approved, shall be filed in the office of the Dawes Commission, and recorded in a book provided for the purpose until such time as Congress shall make other suitable provision for record of land titles, without expense to the grantee, and such records shall have like effect as other public records.

#### MISCELLANEOUS.

SEC. 63. The tribal government of the Cherokee Nation shall not continue longer than March 4, 1906.

SEC. 64. The collection of all revenues of whatsoever character belonging to the tribe shall be made by an officer appointed by the Secretary of the Interior, under rules and regulations to be prescribed by the said Secretary.

SEC. 65. All things necessary to carry into effect the provisions of this act, not otherwise herein specifically provided for, shall be done under the authority and direction of the Secretary of the Interior.

SEC. 66. All funds of the tribe, and all moneys accruing under the provisions of this act, shall be paid out under the direction of the Secretary of the Interior, and when required for per capita payments shall be paid directly to each individual by an appointed officer of the United States, under the direction of the Secretary of the Interior.

SEC. 67. The Secretary of the Interior shall cause to be paid all just indebtedness of said tribe existing at the date of the ratification of this act which may have lawfully been contracted, and warrants therefor regularly issued upon the several funds of the tribe, as also warrants drawn by authority of law hereafter and prior to the dissolution of the tribal government, such payments to be made from any funds in the United States Treasury belonging to said tribe, and all such indebtedness of the tribe shall be paid in full before any pro rata distribution of the funds of the tribe shall be made. The Secretary of the Interior shall make such payments at the earliest time practicable, and he shall make all needed rules and regulations to carry this provision into effect.

SEC. 68. Jurisdiction is hereby conferred upon the Court of Claims to examine, consider, and adjudicate, with a right of appeal to the Supreme Court of the United States by any party in interest feeling aggrieved at the decision of the Court of Claims, any claim which the Cherokee tribe, or any band thereof, arising under treaty stipulations, may have against the United States, upon which suit shall be instituted within two years after the approval of this act; and also to examine, consider, and adjudicate any claim which the United States may have against said tribe, or any band thereof. The institution, prosecution, or defense, as the case may be, on the part of the tribe or any band, of any such suit, shall be through attorneys employed and to be compensated in the manner prescribed in sections 2103 to 2106, both inclusive, of the Revised Statutes of the United States, the tribe acting through its principal chief in the employment of such attorneys, and the band acting through a committee recognized by the Secretary of the Interior.

The Court of Claims shall have full authority, by proper orders and process, to make parties to any such suit all persons whose presence in the litigation it may deem necessary or proper to the final determination of the matter in controversy, and any such suit shall, on motion of either party, be advanced on the docket of either of said courts and be determined at the earliest practicable time.

SEC. 69. After the expiration of nine months after the date of the original selection of an allotment by or for any citizen of the Cherokee tribe as provided in this act, no contest shall be instituted against such selection, and as early thereafter as practicable patent shall issue therefor.

SEC. 70. Allotments may be selected and homesteads designated for minors by the father or mother; if citizens, or by a guardian, or curator, or the administrator having charge of their estate, in the order named; and for prisoners, convicts, aged and infirm persons, and soldiers and sailors of the United States on duty outside of the Indian Territory, by duly appointed agents under power of attorney; and for incompetents by guardians, curators, or other suitable persons akin to them; but it shall be the duty of said commission to see that said selections are made for the best interests of such parties.

SEC. 71. Any allottee taking as his allotment lands located around the Cherokee National Male Seminary, the Cherokee National Female Seminary, or Cherokee Orphan Asylum, which have not been reserved from allotment as herein provided, and upon which buildings, fences, or other property of the Cherokee Nation are located, such buildings, fences, or other property shall be appraised at the true value thereof and be paid for by the allottee taking such lands as his allotment, and the money to be paid into the Treasury of the United States to the credit of the Cherokee Nation.

SEC. 72. Cherokee citizens may rent their allotments, when selected, for a term not to exceed one year for grazing purposes only, and for a period not to exceed five years for agricultural purposes, but without any stipulation or obligation to renew the same; but leases for a period longer than one year for grazing purposes and for a period longer than five years for agricultural purposes and for mineral purposes may also be made with the approval of the Secretary of the Interior and not otherwise. Any agreement or lease of any kind or character violative of this section shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity. Cattle grazed upon leased allotments shall not be liable to any tribal tax, but when cattle are introduced into the Cherokee Nation and grazed on lands not selected as allotments by citizens the Secretary of the Interior shall collect from the owners thereof a reasonable grazing tax for the benefit of the tribe, and section 2117 of the Revised Statutes of the United States shall not hereafter apply to Cherokee lands.

SEC. 73. The provisions of section 13 of the act of Congress approved June 28, 1898, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," shall not apply to or in any manner affect the lands, or other property of said tribe, and no act of Congress or treaty provision inconsistent with this agreement shall be in force in said nation except sections 14 and 27 of said last-mentioned act, which shall continue in force as if this agreement had not been made.

SEC. 74. This act shall not take effect or be of any validity until ratified by a majority of the whole number of votes cast by the legal voters of the Cherokee Nation in the manner following:

SEC. 75. The principal chief shall, within ten days after the passage of this act by Congress, make public proclamation that the same shall be voted upon at a special election to be held for that purpose within thirty days thereafter, on a certain date therein named, and he shall appoint such officers and make such other provisions as may be necessary for holding such election. The votes cast at such election shall be forthwith duly certified as required by Cherokee law, and the votes shall be counted by the Cherokee national council, if then in session, and if not in session the principal chief shall convene an extraordinary session for the purpose, in the presence of a member of the Commission to the Five Civilized Tribes, and said member and the principal chief shall jointly make certificate thereof and proclamation of the result, and transmit the same to the President of the United States.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. CURTIS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Kansas asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The Chair recognizes the gentleman from Kansas for twenty minutes and the gentleman from Tennessee [Mr. RICHARDSON] for twenty minutes.

Mr. CURTIS. I yield five minutes to the gentleman from Arkansas [Mr. LITTLE].

Mr. LITTLE. Mr. Speaker, I only desire to say in relation to this bill that I feel anxious for its passage. It is one of a number of agreements leading to the final settlement of conditions in the Indian Territory. This bill applies particularly to what is known as the Cherokee Nation, providing for allotment of land and settlement of the affairs of that Territory. It is not an agreement, however, but the bill was prepared by the representatives of the Indian government, together with the Commission, and under the direction of the Secretary of the Interior.

The bill has passed the Senate, has had the careful consideration of the committee of the House, and it is the concurrent opinion of all the committee that it should pass. There never has been, since the present policy of the Government has begun, an agreement obtained with this tribe. It is believed that this bill will receive their ratification, and it is sufficient to say that it must be ratified before it becomes a law. In other words, this is simply a proposition made by the Government to the Indians of this tribe, subject to ratification by them.

Mr. GAINES of Tennessee. I would like to ask the gentleman if it takes care of the property of the Methodist Episcopal Church South in the Indian Territory?

Mr. LITTLE. I will say that the matter to which the gentleman calls my attention was not, in my opinion, properly guarded when the bill was first introduced; but the bill has been amended, and it secures to the church the 160 acres and to all the churches

and denominations in possession of property under the treaty of 1866.

Mr. GAINES of Tennessee. I just learned of the matter this morning, through a letter which I received, and have been investigating it to-day.

Mr. LITTLE. The church retains the property under the article of the treaty of 1866, with all the rights they had and with the additional right to purchase the title outright at \$10 per acre, if they so desire.

Now, Mr. Speaker, I do not care to say anything further unless some gentleman desires information. As far as the bill is concerned, it meets my approval. I believe it is important and necessary for the conduct of the affairs of the Government in reaching a conclusion and a final settlement of the affairs of this tribe. The bill in many particulars is not what I would make if my views alone were consulted, but upon the whole I give it my support as the best that can be obtained under the circumstances, and I hope it will receive the approval of the tribe and hasten the day when each Indian may receive his allotment and the country be prepared for government.

Mr. CURTIS. I reserve the balance of my time, Mr. Speaker.

Mr. MOON. Mr. Speaker, the gentleman from Tennessee [Mr. RICHARDSON] requested me to state to the Chair that he desired to yield five minutes to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, there is a provision in this bill I object to, but inasmuch as the Committee on Indian Affairs have refused to adopt the amendment I proposed, I can not now present the amendment to this House under the rule of the House. The amendment was proposed at the end of section 30, and is as follows:

*Provided, That all persons who have suits now pending in the courts of the Territory to establish the claimants' rights of citizenship and enrollment, and masters in chancery have found in favor of such claimants, such claimants shall have the right to prosecute such suits to final judgment.*

I find that among the suits that have been brought in that Territory to establish rights of citizenship, the judges of the Territory have appointed masters in chancery to pass upon many of these cases.

These masters have passed upon the cases and reports are pending before these courts, and these citizens in endeavoring to obtain their rights to enrollment have spent considerable money in the employ of counsel and considerable time and trouble in preparing their cases, and they should, in my judgment, have the right to prosecute their suits to final judgment. If this treaty is adopted, their rights will be lost, the money they have spent in establishing their rights and in bringing their suits will be lost to them entirely, and a great many of them, I understand, have farms in the Territory upon which they have lived for years and will lose if this amendment is not adopted. I do not believe this bill should be passed in this shape.

Mr. CURTIS. I now yield to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, at this late hour in the session I will not attempt to discuss the details of this voluminous bill. This session of Congress marks an epoch in the history of the Indian Territory. We have provided for the Chickasaws, the Choctaws, and the Creeks, and the Kaws in Oklahoma. These several bills make a long step in the direction of complete civilization and individual ownership of the land and of the other steps necessary to entirely change conditions in the Indian Territory.

This bill was drawn by joint committees from the Committees on Indian Affairs of the House and Senate. Much time and labor were bestowed upon it; and while it might be interesting to explain the details of the bill, I only take so much time as is necessary to inform the House as to the methods adopted in endeavoring to prepare a safe bill to meet the conditions in that Territory.

Mr. STEELE. I should like to ask a question in regard to the manner of selling lots on these reservations.

Mr. CURTIS. The same policy is followed as in the other treaties, except that where members of the tribe have already purchased lots from the tribe and are in possession, they are permitted to perfect their title by paying 25 per cent of the appraised value.

Mr. STEELE. How is it in regard to the sale of lots in town sites? Do the proceeds go to the town?

Mr. CURTIS. No; to the nation, because the nation owns the title.

Now, Mr. Speaker, if no one desires to occupy further time, I ask for a vote.

The question being taken, the motion of Mr. CURTIS to suspend the rules and pass the bill was agreed to (two-thirds voting in favor thereof.)

LEAVE TO PRINT.

Mr. DAHLE, by unanimous consent, obtained leave to extend in the RECORD his remarks on free rural delivery.



## ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12086. An act to extend the time for the construction of the East Washington Heights Traction Railroad Company;

H. R. 14082. An act to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.;

H. R. 12597. An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes;

H. R. 12549. An act granting an increase of pension to Ransom Simmons;

H. R. 11656. An act to incorporate The Society of the Army of Santiago de Cuba;

H. R. 11400. An act to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898;

H. R. 9960. An act to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced;

H. R. 7018. An act granting an increase of pension to James E. Freeman;

H. R. 8209. An act for the relief of P. A. McClain;

H. R. 97. An act to authorize the Secretary of War to furnish certificates in lieu of lost or destroyed discharges;

H. R. 13172. An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes;

H. R. 11171. An act granting a pension to Elizabeth A. Nalley;

H. R. 14019. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes; and

H. R. 5809. An act for the further distribution of the reports of the Supreme Court, and for other purposes.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. R. 118. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Arturo R. Calvo, of Costa Rica;

S. 6091. An act extending the time for making final proof in desert-land entries in Yakima County, State of Washington;

S. 4792. An act relative to control of dogs in the District of Columbia;

S. 4762. An act to prevent any consular officer of the United States from accepting any appointment from any foreign state as administrator, guardian, or to any other office of trust, without first executing a bond, with security, to be approved by the Secretary of State; and

S. 1949. An act to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy.

## UNITED STATES COURTS IN ALABAMA.

Mr. WILEY. I move to suspend the rules and pass, with the amendments now included in it, the bill (H. R. 14839) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year.

The bill with the amendments was read, as follows:

*Be it enacted, etc.,* That the circuit court of appeals of the fifth judicial circuit of the United States is hereby authorized and required to hold one term of said court in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year.

SEC. 2. That appeals, writs of error, and other appellate proceedings which may, after the date of this act, be taken or prosecuted from the circuit or district courts of the United States in the State of Alabama to the court of appeals of the fifth circuit shall be heard and disposed of by the said court of appeals at the terms of the court held in Montgomery in pursuance of this act: *Provided*, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit, in cases of injunctions and in all other cases which under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing.

SEC. 3. That this act shall not operate to prevent the said court from holding other terms in the city of Montgomery or in such other places in the said fifth judicial circuit as said court may from time to time designate.

SEC. 4. That chapter 517 of 26 United States Statutes at Large is hereby amended in accordance with the provisions of this act.

SEC. 5. That the clerk of said court is authorized and permitted to pay out of the fees and emoluments of his office (first) the expenses incurred by him in transporting from his office in New Orleans, La., to Montgomery, Ala., and in transporting from Montgomery, Ala., to New Orleans, La., the records, books, papers, files, dockets, and supplies necessary for the use of the court at its terms to be held in Montgomery, Ala.; (second) an allowance for actual expenses not exceeding ten dollars per day to cover travel and subsistence for each day he may be required to be present at Montgomery, Ala., on business connected with his said office, such expenses and allowance to be approved and allowed by the senior circuit judge of the fifth judicial district.

The question being taken, the motion of Mr. WILEY to suspend the rules and pass the bill was agreed to (two-thirds voting in favor thereof).

## CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. COOPER of Wisconsin. Mr. Speaker, I present the report of the committee of conference on the bill providing a civil government for the Philippine Islands. I ask unanimous consent that the report be printed without reading, and that only the statement of the House conferees be read.

There was no objection.

The report was read.

[For conference report see page 7668.]

The statement of the House conferees was read, as follows:

The managers on the part of the House on the disagreeing vote of the two Houses on the amendment of the House to Senate bill No 2235, entitled "A bill temporarily to provide for the administration of affairs of civil government in the Philippine Islands, and for other purposes," state that the Senate have receded from their disagreement to the House amendment, and agree to the same with an amendment in the nature of a substitute, and that the result of this agreement is as follows, to wit:

There were three important points of difference between the two Houses, namely, provisions in the House bill for a legislature; another in relation to lands; and another in relation to coinage. The Senate recedes from its disagreement to the provision for a legislature, and agrees to it with an amendment providing that within two years after the census, provided for in the House bill, has been completed, if, in the meanwhile, a condition of general peace and good order shall have prevailed, the President shall order the Philippine Commission to call, and the Commission shall call, a general election for the choice of delegates to a popular assembly of the people of that portion of the islands not inhabited by Moros and pagan tribes, which shall be known as the Philippine Assembly. As to the qualification of voters, the power of the assembly, and of the legislature, and the qualification of the members of the assembly, the Senate has agreed substantially to the House provisions. This also provides for two commissioners, to be elected by the legislature.

The Senate further recedes from its disagreement to the provisions of the House bill relating to public lands, and agrees to the same with an amendment reducing the amount of land to be held by corporations from 2,000 hectares to 1,024 hectares. The Senate has further agreed to the House provisions restricting the ownership and control by members of corporations, and corporations, of mining and agricultural lands, with additional stringent provisions limiting these holdings.

In the coinage provision reported, the Senate recedes from its provision for the coinage of a Philippine silver dollar, and the House recedes from its provision for the establishment of a gold standard. The report agrees upon the provisions for subsidiary coins and minor coins, the names of which are to be those contained in the House bill, and substantially as provided for in the House bill.

The provisions relating to banks are eliminated from the bill.

The bill contains the legislative limitations and bill of rights, complete, as in the House bill.

The mining provisions of the bill reported are a combination of the provisions of the mining features of the two bills.

Otherwise, the bill does not substantially differ from the bill passed by the House.

HENRY ALLEN COOPER,  
SERENO E. PAYNE,  
E. D. CRUMPACKER,

Managers on the part of the House.

Mr. COOPER of Wisconsin. Mr. Speaker, I wish to say a word to the House concerning the provisions of the bill reported by the conferees.

Mr. JONES of Virginia. Mr. Speaker, as I understand, under the rule that has been adopted the gentleman from Wisconsin, the chairman of the Committee on Insular Affairs, has now an hour.

The SPEAKER. He has an hour if he desires to use it.

Mr. JONES of Virginia. Will there be any time for this side of the House?

The SPEAKER. The Chair can not answer that question.

Mr. JONES of Virginia. I will ask the gentleman from Wisconsin whether he expects to use all of his hour?

Mr. COOPER of Wisconsin. I will give the gentleman one-half of the time.

One of the chief difficulties in the conference was to reconcile the differences of opinion concerning the coinage provisions of the respective bills. The House bill, the members of the House will remember, provided for the establishment of the gold standard in the Philippines. We wished to establish it there to do away with the evil which is always felt by exporters and importers, where there is a fluctuating currency, with the inevitable charge on incoming and outgoing business.

The Senate, however, were of the opinion that under the provisions of the bill as passed by the House it would be impossible to maintain the gold standard. They were unwilling to adopt the American system of money, as were also the House conferees. The House conferees were absolutely and unalterably opposed to anything looking to the unlimited coinage of a Filipino silver dollar, and therefore it was impossible to reach an agreement otherwise than the one set forth in the conference report. In other words, the status quo is maintained practically, or will be maintained, under the provisions of the reported bill, with the exception that the bill allows the Commission to coin subsidiary coins of the degree of fineness, bearing the names, and of the size of the subsidiary coinage provided for in the original House bill.

The provision concerning franchises has been rendered more strict, if possible, than the original very strict provision in the House bill. A perusal of that provision by the members of the House will make that fact very plain. I have no doubt, nor has anyone who was upon the conference any doubt, that the exploi-

tation of the Philippine Islands will be absolutely impossible under this bill. The only doubt in the minds of anyone upon the conference was a doubt expressed by one of the Senate conferees, and approved by his associate conferee, that the bill as now reported is too strict in that regard.

Mr. WILLIAMS of Illinois. Mr. Speaker, will the gentleman permit an interruption?

The SPEAKER. Does the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. WILLIAMS of Illinois. As the bill now stands, the Philippine Commission has the right and power to dispose of public lands substantially as in the House bill, except the limitation as to amount, has it not?

Mr. COOPER of Wisconsin. But it is more strict than that.

Mr. WILLIAMS of Illinois. They still have that power?

Mr. COOPER of Wisconsin. They still have that power; yes, sir.

Mr. WILLIAMS of Illinois. What is the limit as to the number of acres to any corporation?

Mr. COOPER of Wisconsin. It is about 2,500 acres, or 1,024 hectares. We put it in that number, as the gentleman knows from his familiarity with the metric system, to preserve it in rectangular form.

Mr. WILLIAMS of Illinois. They still have the power to lease the timber?

Mr. COOPER of Wisconsin. No, sir; they have the power to grant licenses to cut, under the very stringent provisions, if the gentleman read it, as the Spanish law is reported—

Mr. WILLIAMS of Illinois. How about the disposition of the mineral lands?

Mr. COOPER of Wisconsin. In that respect it is a combination of the two bills. There is a prohibition upon any corporation having one mine and controlling another, and also a prohibition upon a member of a corporation engaged in mining there from being in any way engaged in any other corporation owning a mine. That is carried also to the agricultural lands of the island, and not only that, but instead of the law providing, as we had it, that this provision shall be held to extend to a member of the corporation, we change the phraseology so that it now reads that such a holding in two or more mines shall be unlawful for any member, making it an absolute violation of the law.

Mr. WILLIAMS of Illinois. And this can all be done without submitting the regulations and rules to Congress for its approval, can it not?

Mr. COOPER of Wisconsin. There is a provision which requires the Commission to submit to Congress rules and regulations for the general disposition of the public lands. It will be absolutely impossible before the next session of this Congress to more than touch the very rim, the margin, of the enormous acreage of forests in those islands. There are 73,000,000 acres of land in the islands, and only 5,000,000 of that is under private ownership. There are about 50,000,000 acres of virgin forests untouched for hundreds of years, and, as everybody knows, the Spaniards have been unwilling to do anything with those and unwilling to let anybody else do anything with them.

The result is that for generations there has been utter business stagnation in many parts of the islands. Under this law they can only cut timber under the most rigid restrictions—the restrictions of the Spanish law with such amendments as may be made by the Commission—and no one on the conference, and I think no candid, well-informed person anywhere can have a doubt but that all improper exploitation is absolutely prohibited. The law is similar to the present German and French forestry laws, under which they cut only the matured timber, and do not devastate and lay waste great tracts of forest, as we do in this country, and then have to wait for them to grow up again.

Mr. WATSON. Has the gentleman said anything about the legislative provision?

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Indiana asks me to say a word about the legislative provision.

The House legislative provision is retained practically intact, with this exception, that instead of the election being ordered by the President and the Commission immediately upon the completion of the census provided for in the original House bill, a period of two years is required to elapse subsequent to the completion of that census, in which there must be general order and peace in the archipelago. Then the provision of the statute will be mandatory, requiring the calling of a general election for a popular assembly of the people of the islands.

Mr. TAWNEY. Can the Commission, in their discretion, order a popular election before the expiration of two years?

Mr. COOPER of Wisconsin. They can not. There must be two years of peace.

Mr. WILLIAMS of Illinois. As the bill now stands, when is this census to be taken? What are the conditions?

Mr. COOPER of Wisconsin. Just the provisions of the original

House bill. As soon as there shall be a condition of general and complete peace throughout the archipelago, the Commission shall certify that fact to the President, and upon being satisfied thereof, the President certifies the fact to the Commission, and the commission then, under the mandatory provision of the bill, are required to proceed with the taking of a census. After the completion of the census, two years of peace having elapsed, the provision again is mandatory that there shall be an election.

Mr. SULZER. Does that mean peace with the Moros also?

Mr. COOPER of Wisconsin. No, sir; only in the territory outside of the Moro and other non-Christian territory.

Mr. SULZER. General peace with the Filipinos?

Mr. COOPER of Wisconsin. General peace with the Filipinos only. I yield to the gentleman from Virginia [Mr. JONES] and reserve the balance of my time.

Mr. BARTLETT. Before the gentleman sits down, may I ask a question?

Mr. COOPER of Wisconsin. Mr. Speaker, I supposed it was understood that I yielded one-half of the hour to the gentleman from Virginia [Mr. JONES.] If necessary I give it again to him and reserve the balance of my time.

Mr. JONES of Virginia. Mr. Speaker, it would be impossible for me in the time at my command to inform the House as to the changes which have been made by the conference committee in the Senate bill as amended in this House. The statement which has been read to the House gives no adequate idea as to the changes which have been made. No member of the House other than the conferees has the slightest conception as to what those changes are. It may be that the gentlemen who sign this statement have not regarded them as of sufficient importance to be mentioned, but the changes involve the provisions of almost every section of this most important measure.

It is true, Mr. Speaker, that the three chief points of difference between the House bill and the Senate bill are those which have been mentioned by the distinguished chairman of the committee; but there are many other provisions in the House bill which have been most materially changed, and members are now expected and required to vote for or against this conference report in utter ignorance of hundreds of its provisions. It seems to me, Mr. Speaker, that we are not so pressed for time, even at this late day in the session, as to be required to vote on a measure of this great importance without the slightest consideration being given to its many new provisions.

In my judgment, this conference report is somewhat an improvement upon the House bill, as well as that of the Senate, and yet this is but my opinion. Other gentlemen are entitled to have opinions of their own—opinions which it is impossible for them to have under the circumstances. The bill as agreed to in conference reduces the number of acres of agricultural land which a corporation may acquire from 5,000 acres, as fixed in the House bill, to 2,500 acres. This is unquestionably an improvement on the House. But, Mr. Speaker, it must be remembered that the Senate bill did not provide for the sale of a single acre of this public land, and in that respect the Senate bill was infinitely a better bill than the House bill.

Mr. WILLIAMS of Illinois. I would like to ask my colleague a question.

Mr. JONES of Virginia. Certainly.

Mr. WILLIAMS of Illinois. As I understood the Senate bill, it did not contain a provision preventing a member of a corporation becoming a stockholder in some other corporation. Is that provision as passed by the House still in the bill agreed upon by the conference?

Mr. JONES of Virginia. I am unable to answer my colleague's question. The Senate bill, I will say to my colleague, contained no provision for the sale of an acre of the public lands in the Philippine Islands, agricultural or other.

Now, Mr. Speaker, so far as I am personally concerned, I would infinitely prefer to see this bill fail, to see Congress adjourn without enacting any legislation for the Philippines, than that a measure so unjust and fraught with so much danger should be imposed upon the Philippine people. I think that the inhabitants of the Philippine Islands would be infinitely better off under the present Taft Commission, acting solely under military authority, than they will be if this bill becomes law. This measure provides that the government of the Philippine Islands shall prepare rules and regulations for the sale and disposition of the public agricultural lands. But it also confers upon the government the authority to go ahead and dispose of these lands before the rules and regulations provided for have been prepared. So that it will be absolutely within the power of the government of the Philippine Islands created by this bill to dispose of every single acre of public lands in the Philippine Islands before a single rule or regulation is framed if this conference report is adopted.

The Senate bill also provides for the preparation of rules and



regulations for the sale of these lands, but until those rules have been prepared and approved by the President and submitted to Congress not an acre of land could be sold under the provisions of the Senate bill.

For this reason, if for none other, I am unable to support this report. The Taft Commission has no power now to sell these lands, and if this legislation should fail they would have none.

A great deal was said during the debate upon this question, when the House bill was under consideration, by gentlemen on the other side of this Chamber concerning the popular-assembly feature of the bill. I would like to ask any gentleman on that side now if he thinks that the provision which has been agreed upon by the conferees is that which the House bill contained when he voted for it.

If this report is adopted, no man is wise enough to say when, if ever, the Philippine people will be permitted to vote for a popular assembly. In the first place, a census must be taken. How long will be required to take a census throughout the Philippine Islands I am unable to say, and I do not think anybody else can say.

Mr. COOPER of Wisconsin. Will the gentleman permit me?

Mr. JONES of Virginia. Certainly.

Mr. COOPER of Wisconsin. Is not the gentleman aware that the House bill contained a provision for a census?

Mr. JONES of Virginia. I am; but after the census here provided for has been taken, it must be printed, and it must be published, and then two years must elapse before the President can issue his proclamation; and he can not issue his proclamation until he is satisfied that there is a condition of general and complete peace throughout the islands. I do not think that any gentleman on this floor believes that the time will come within the next generation when the President will be able to issue this proclamation, if there ever will be a time when he will be able honestly to say that there is general and complete peace in those islands.

Mr. COOPER of Wisconsin. Mr. Speaker, is not the gentleman aware that there has been general and complete peace in all but the non-Christian provinces of the archipelago, except in three, in 34 out of the 37, for practically a year?

Mr. JONES of Virginia. No; I do not know that there has been general and complete peace in the Philippine Islands for practically a year.

Mr. COOPER of Wisconsin. That is the testimony, practically uncontradicted, before our committee; and the testimony of the civil governors is to the same effect.

Mr. JONES of Virginia. I do not know, Mr. Speaker, of any such thing. My information is just to the contrary.

Mr. COOPER of Wisconsin. I mean the Christian provinces.

Mr. JONES of Virginia. The time may come when there will be no organized armed opposition to the United States forces in those islands, but the time has not yet come, if it ever does come, when there is absolute, complete, and general peace throughout the islands; and the President is required to wait for those conditions before he can issue his proclamation. How long it will require to take this census no man can say.

It requires several years to take, print, and publish a census in this country, and if it should require as long in the Philippine Islands the President must wait five or six years before he issues his proclamation, even if he should think that there is there a condition of general and complete peace. If it be true, as General Taft testified when here, if the statement made by him in an article which he recently published in *The Outlook* be well founded, then the Federal party in the Philippine Islands is destined to experience a great disappointment. The members of that party have been led to believe that this Congress would enact legislation which would at once give them a large share in the government of their country. When they learn how far away is the day when they will be permitted to vote for members of a popular legislative assembly, keen, indeed, will be their disappointment.

Mr. Speaker, as one of the House conferees I could not, of course, sign this report, entertaining the views I do. If my aversion to the Republican policy of imperialism were far less deep rooted than it is, I could not support a measure which does not, and is not intended for years to come, to give the Filipinos any share in the government under which they are to live—a government which is expressly empowered to strip the forests of the Philippines of their valuable timbers and to sell every acre of the millions of acres of valuable public agricultural lands there. This measure fastens for years to come upon the Filipinos a government in which they will have no part, but which will nevertheless exercise absolute control over their lives, property, and liberties.

Whilst this bill is entitled a bill to temporarily provide a civil government for the Philippine Islands, there is not a word, a line, or a syllable in it which limits the existence of the government created by it to one year, or ten years, or a hundred years, or a thousand years. This, to me, is an insurmountable objection to it.

More than this, Mr. Speaker, if it were satisfactory to me in other respects, and I believed it to be an improvement on the government in existence in the Philippine Islands now, I could not vote for it. I could never support a measure affecting the rights and liberties of 10,000,000 human beings which did not define what was to be the future policy of our Government in regard to them. They have the right to know what our purposes are. The American people have a right to know. [Applause on the Democratic side.]

Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS of Illinois. Mr. Speaker, the statement of our friends show that both the Senate bill and the House bill have been eliminated and a substitute adopted by the conference committee, and we are to vote upon this substitute without knowing what it is. I am not surprised that the members who intend to support this bill desire to do so with as little information as possible. If I were going to support it I would do as they do, close my eyes and vote for it regardless of what was in it. A great many changes no doubt have been made. There were several differences between the two bills, the Senate bill and the House bill, and we have had a statement which refers to a very few of those differences.

I desire to call your attention briefly to the provision for a legislature in the Philippine Islands. It was rather a harmless provision as passed by the House, but it is made much less harmless to exploiters since it has come back from the conferees. If they should proceed in good faith under that provision, it would probably be five years before they would get a legislative assembly in the Philippine Islands. As it passed the House, it might have been probably two or three years, but it has been extended. It was feared that the time allowed in the House bill would not give the Philippine Commission time to vote away and dispose of the public property of the Filipinos before they had a voice in the legislation.

We first have to have peace. The chairman of the committee says we already have peace. Well, it takes a larger army in the Philippine Islands to maintain peace than in any other country of that size in the world that I know of—more than it took in the whole United States to maintain peace. But admitting that we have peace, we will see whether those who act under this bill will recognize the statement of the gentleman from Wisconsin as true and proceed at once to take this census. Is there any limitation within which the census is to be taken? None. And then two long years are to expire after the census has been taken and published before the Philippine Islands are to have a legislative assembly.

The power is given in this bill to the Philippine Commission to proceed at once, without any legislation, to vote away and dispose of all the valuable land and valuable timber. I do not say timber land, but when you give these timber sharks authority to go into the fine timbers of those islands, establish their mills, and set their men to work, what control will some little American officer have over them in trying to limit them to trees of a certain dimension? There might be some hopes of keeping within regulations if the regulators were not men of the same country and the same people as the exploiters are.

It is not the Filipinos who are to guard and protect the public timber that belongs to their people, but it is an American sent there to guard American exploiters and keep them within certain regulations.

I agree with my colleague from Virginia [Mr. JONES] when he says that he would rather see the Filipino people continue as they now are under the present law than to see the bill before the House enacted into law. Now their public property is safe; it can not be voted away; but the gentleman from Wisconsin will find that when this bill becomes a law, it will not be long before the valuable lands, timbers, franchises, and other desirable public property of the Filipinos will be in the hands of American exploiters, and that is what this bill is for, and it ought to be beaten. [Applause on the Democratic side.]

Mr. JONES of Virginia. Mr. Speaker, I now yield ten minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, as has already been stated, and as must be evident to everyone, in voting upon this conference report we shall vote in the dark, because it is entirely impossible to know what it contains. The gentlemen who are upon the conference committee, and who framed the report, may be supposed to know what it does contain, but the rest of us can not possibly know, and no opportunity will be given for us to learn. The report is not to be printed. It seems to be regarded as necessary that the measure be passed at once, passed in the dark rather than in the light, passed without information rather than with it.

This is not so remarkable or startling after all, because the whole course of legislation on the subject has been in the dark.

Nowhere, at no time, in no degree, has the House or the Senate or the country been informed as to the ultimate purpose of the gentlemen in the majority. They either do not know themselves or, knowing, have not the courage to declare to the country what their purpose is. If they do not know, it seems to me they ought to pause in their legislation until they acquire some knowledge on the subject. If they do know, it must go without saying that their purpose can not be good, or they would not so persistently conceal it.

It is right evident, however, from the general scope of the legislation and the general purpose which has characterized those who project it, that one purpose is to give the Filipino no voice or part in the government of his own land, his own person, his own interests. The rule is to be an alien rule. The model is to be found in the policy of England in Ireland and South Africa and India. We are to follow, I suppose, as closely as we can, the English plan. We are to depart as far as we may from the American scheme of government. We are to proceed upon the theory that the governed have no rights except in submission to those who govern them, no duty except to conform to their rulers' inclinations and interests.

It would have been very startling in this country a short time since if anybody had announced that the American model of government would be abandoned so soon and the English model taken up so passively and so completely. In this land, peopled and enriched with the blood and the brain and the genius of those who fled here from English oppression, it does seem strange and somewhat startling even now that we are to have, under the American flag, and by the act of the American Congress, and through the ministrations of American officers, the English system carried out in the Philippines, with its influence to come back and plague us here at home.

What the fruits will be we can only determine from what they have been. The feeling between England and Ireland is bitter and implacable, not because the Irishman has not the natural elements of affection, for he is warm hearted and loving, but because he has suffered for years and years under alien rule and landlordism and wrong; because the wrongs have sunk so deep into his heart that neither time nor distance can ever eradicate them. So it must be in far away Boerland, where two republics have been destroyed by this policy; where a large portion of the people have been swept off the face of the earth for no greater crime than loving liberty and being attached to their own form of government, and having the courage and manhood to maintain against overwhelming numbers and tremendous odds and for a long period of time a brave resistance.

In all the time given to the preparation of this legislation, in all the hatchings and counselings of the committee, with all the secrecy and furtiveness that have characterized it, clearly some things have been omitted from the bill and the conference report. Not a blow has been struck at slavery or polygamy in the Philippine Islands. When a proposition was submitted here and voted upon in Committee of the Whole to amend this bill so as to prohibit slavery there, the gentlemen on the other side of the Hall voted almost solidly against it. This bill does not interfere, and will not interfere in the slightest degree, with the privileges and prerogatives and perquisites of His Highness the Sultan of Sulu. He still remains in the pay of the freest and best Government of the earth. We give him still \$2,500 a year with which to support his harem and increase his stock of slaves.

This conference report, if we may judge from what we read in the papers this morning, was matured in the calm hours of the Sabbath. The capstone of perfection was put upon it in the waning hours of Sunday night and the dawning hours of Monday morning. It was a labor of love, a labor of purity and exaltation, a labor of patriotism, from which the conferees representing this side of the House were excluded as unworthy to participate and not holy enough for these Sabbath-day proceedings of the conferees, though good enough to go to church.

Our Republican brethren, taking counsel of one another, framed and fashioned this conference report in the hours of the Sabbath day and in the watches of the Sabbath night—fashioned it to suit themselves. The Republican conferees being pleased with it, their fellow-members upon that side are prepared to gulp it down without knowing and without caring what is in it. Confident that the interests which it is their purpose to protect—the interest of the exploiter and the promoter, the interest of the man who desires that the Philippine Islands shall be retained for what can be made out of them by him and his friends—confident, I suppose, that these interests have been looked after and protected, they are satisfied; and as for the Filipinos, oh, it makes no difference about them!

The Sultan of Sulu and the datos and the other slaveholders and polygamists have not been interfered with; and as to those humble Christian people—neither slave owners nor polygamists—

who simply fight for liberty and die for liberty, it does not make any difference what becomes of them; that is a bagatelle; let it go!

The hours of Sunday are not long enough—the day is too holy—for any of it to be devoted to work of that kind.

After careful, long, thoughtful deliberation, they are to do what? To make men freer? To increase the opportunities of the ordinary citizen of this country or those unfortunates who dwell in the Philippines? Oh, no. To increase the opportunities for American and English corporations, to broaden the field of their operations, to increase the opportunities of syndicates, to prepare the way for fostering in the Philippine Islands the production of a thousand and one things which may be sold in the markets of the world in deadly competition with the products of free American labor.

The time will come when the laboring men of this country will be compelled to rise up in their might and for self-preservation strike down those who forget them now, and recklessly wrong them here. Every step taken in this legislation, and every act done, every motive displayed, is hostile to the best interests of American citizenship, is against American labor, is contrary to the principles of the American Constitution, is violative of the rights of the Filipinos, and beneficial only to the small coterie who contribute liberally to the campaign fund, and who desire to replenish and to increase their stores by spoils wrested from the Filipinos. And so it goes; so it goes.

Civil government for the Filipinos! Civil government in which the Filipinos do not participate; civil government in which the Filipinos have no part; civil government which the Filipinos do not desire; civil government, not for the benefit of the American citizen, but for the American promoter, the American syndicate organizer, the American capitalist, the American boss, the American contributor to campaign funds, used to corrupt the needy voter, to overcome the judgment of the honest element of American citizens, and win victories by false pretenses and more positive wrong. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. JONES of Virginia. Mr. Speaker, I would ask how much time I have remaining?

The SPEAKER. The gentleman has three minutes remaining. Mr. JONES of Virginia. I yield three minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I would be delighted to discuss this bill, but I shall employ the three minutes I have in referring somewhat to the speech of the gentleman from Indiana [Mr. LANDIS], who a few days ago, as his speech showed, reported in the RECORD at page 7821, stated: "I have on my desk a bill that the gentleman introduced, repealing the war taxes six months after the tax had been repealed," alluding to myself as the gentleman in question. Mr. Speaker, that statement is not true; it is not correct.

On December 7, 1899, I introduced a bill entitled "A bill to amend the war-revenue act, approved June 13, 1898, so as to exempt benevolent orders from its operation." Then follows the provision for stripping these benevolent orders of the burden of stamping their checks, etc. About four months after that, March 2, 1901, the Republican party, following my advice, as usual [laughter], used the suggestion made in my bill and repealed this tax, and it became a law, of course. Some time after that, in July last, I left the United States and went, as you all know, or at least have heard about [laughter], to the Philippine Islands, and returned—

A MEMBER. Why did you not stay there?

Mr. GAINES of Tennessee. Because I wanted to get back under the Constitution of the United States; that is why I did not stay. I wanted to get back into a white man's country, where white men ought to be, and where the Americans ought to stay. Mr. Speaker, I came back. I reached Washington on December 5, late in the afternoon, and on the next day I was sworn in and introduced 44 bills the same day in the House. [Laughter on the Republican side.] Some of these bills have been [followed, as usual, by the Republicans in mapping out legislation that is good. [Laughter.]

Mr. Speaker, it seems I am indispensable to the welfare of the country, at least so long as the Republican party remains in power. [Laughter.] Now, in that great number of bills, hurriedly preparing them in only a few hours, by mistake, by a mere oversight, as you can very easily see, the bill which I had introduced December 7, 1899, and which became a law, was reintroduced December 6, 1901, and I have it here on my desk. Mr. Speaker, was anybody hurt? I do not care anything about that mistake, but another matter I desire—

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Speaker—

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] is recognized.



Mr. COOPER of Wisconsin. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has twenty minutes remaining.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee may have time to conclude his remarks.

Mr. GAINES of Tennessee. I only want about five minutes.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the gentleman from Tennessee may have five minutes in which to conclude his remarks. Is there objection?

Mr. PAYNE. I object.

The SPEAKER. Objection is made. The gentleman from Wisconsin is recognized.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield one minute to the gentleman from California [Mr. COOMBS].

Mr. COOMBS. Mr. Speaker, I desire to offer a few remarks concerning the particular feature of the bill to establish a civil government for the Philippines which proposes an institution in the way of a popular assembly.

To my mind this is one of the most important essentials of this bill, not in the way of carrying out any promise, expressed or implied, but as an earnest of that effort on our part to provide instruments for the better education of the people of the Philippines and as the forerunner of more comprehensive ideas on their part of the theories and practices of government. I look upon a legislative assembly, or any public gathering under the law, as an instrument for the dissemination of knowledge, and especially knowledge of that peculiar kind the grasp of which is required as a fundamental requisite in popular government.

I happened once to be traveling in a foreign country whose history dates beyond the birth of Christianity. For about twenty-five hundred years war and the desire for war was the only great incentive which fevered the pulse of man and made ambition virtue. It was a people somewhat allied in blood, surely in instincts and habits, with the races inhabiting the Philippine Archipelago. For twenty-five hundred years Japan was divided into factions, where clans fought for mastery, and the feudal system built lordly castles surrounded by moats and hung with trophies, defenses which had swept back the tide of battle waged by a hostile family engaged in the settlement of some petty quarrel between contending provinces.

For 2,500 years Japan waged civil war, and upon the revolution of 1868 armies were disbanded, a constitutional government was formed, parliament began to make laws for the Empire, the people forgot the old wave of battle and the intensity of conflict, and the ancient feud and family quarrel found vent and finally died in the arena of debate.

If it had not been for this popular body, it is probable that Japan would still nourish the old-time hate for the foreigner, which made it unsafe for him to be there during the warlike period of her military rule. The debates of the Diet are printed in the daily papers, men and children read them, and puffed with divine ambition they look for the fulfillment of their desires to that arena rather than to the arena of war.

Mr. Speaker, a President of the United States, a statesman, a historian, and a soldier himself, standing upon the heights of Arlington, that spot upon which the hope of the country lies buried, but above which the halo of a new hope will hover forever, reflecting upon the past pride and glory of the Republic, and inspired by the thought of its great promises, gave voice to the following sentiment:

When they—

Referring to the Philippines—

have shown their capacity for real freedom by their power of self-government, then, and not till then, will it be possible to decide whether they are to exist independently of the United States or to be knit to us by ties of common friendship and interest.

That, Mr. Speaker, is the logical conclusion of a long trial of government by a people as well fitted for government—popular government—without a king, without an emperor, ruled only by the spirit of liberty, as any that has been born to the centuries. If the idea of equality in statecraft is ever to materialize, it is when the American people shall, by example at least, have lifted from thralldom every spirit of freedom upon the globe that has toiled and suffered and hoped for its cause.

It becomes, then, our duty to teach liberty to those children whose lives and happiness have been committed to our care as the results of the war.

The American people to-day are brought face to face with the practical question of working out a government, not for themselves, but for others. If for the moment they have been cruel, it was only to be kind. If for the moment they have spoken daggers, they have used none. If for the moment they have imposed the strong arm of the law, it was that peace and quiet and humanity might ultimately be the end and the rule.

In the light of all the history that is to come, the American

people will be charged with the responsibilities which are to control the fate of men and nations, which is to make what may forever be the balance of power. It must be with a bold hand. It must be with wisdom, and it must be in defiance of that criticism which comes from those who would desire them to fail. The American people to-day have but one desire. It is the desire for peace and humanity. They desire that all the emblems of peace shall wave over the islands; that the banners of chaos shall be furled; that men shall learn their rights in the broadest and profoundest way, and shall exercise them in the face of history.

What is the best method of accomplishing this civilization, this mighty progress, this great enlightenment? In our study of the events of time that method seems best which tends toward thought, toward deliberation, toward study, toward theory; and that method, it seems to me, would be most conducive to peace which tends to scatter light, which animates the mind to its best capacity, where statecraft subdues and takes the place of barbaric arms and tends to turn the sword into a plowshare.

Of all the agencies for the dissemination of this enlightened influence in national life, the greatest is the popular assembly. Its debates, its deliberations, and its laws become the foundation and the stimulus for a written language, out of which grow the chronicles of history, which in turn casts its coloring of poetry and romance and national airs and hymns of patriotism—yes, out of which patriotism rises from each hope uttered and each lofty sentiment expressed by aspiring man.

When some debate upon a question of state is made daily and read daily, men will drop their arms to listen and to read. They will listen to the stories of a new-born glory, and kindle with pride at every new thought of government. Newspapers will spring up and tell of the debates. They will educate the people in government, and the leaders of regiments from the different provinces, men who have been drilled and schooled in the clangor of arms, will become the leaders of thought in this new arena of war.

It is not, then, to fulfill some promise of an independent government that the popular assembly should be created, but with the idea of educating the people in the thoughts and inclinations of government; and in this instance this, it appears to me, would be the chief end and glory of the popular assembly. There the tumult of war would cease and the clash of intellect would take the place of the clashing sword, because it is the inclination of all leaders, it is the trend of all aspirings and all hope to plunge into the tempest of debate rather than into the tempest of war.

There revolution will run its course. There the angry temper will vent itself in angry debate, and in that assembly where the intellect can achieve, out of pride, it will linger; because, whether in civilization or barbarism, the mind rises superior to force, and the arena of one is deserted for the lofty sentiments of the other. An appeal to the mind is the best guard against revolution; for in it can be seen not arbitrary force, not anarchy, not war, but everything that summons the better judgment, everything that is humane, everything that is divine, everything that separates the noble attainments from the base attributes which would have prevailed without it. Debate, history, knowledge, and ambition appeal to the intellect and become the basis of free government and afford an illustration of the practicability of its theories.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, and still further insists upon its amendment No. 91 to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, disagreed to by the House of Representatives, and asks a further conference with the House on the disagreeing votes of the two Houses thereon, and that Mr. HALE, Mr. PERKINS, and Mr. TILMAN had been appointed the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments a bill of the following title:

H. R. 14050. An act to amend an act to regulate the height of buildings in the District of Columbia.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 2054. An act to pay to Rear-Admiral Winfield Scott Schley, on the retired list, the pay and allowance of rear-admiral on the active list;

S. 4657. An act to aid in the erection of a statue of Commodore John Sloat, United States Navy, at Monterey, Cal.;

S. 5272. An act for the relief of Darwin S. Hall;

S. 6004. An act authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of \$241.60, etc.;

S. 6045. An act granting an increase of pension to Charles Sprague;

S. 5950. An act for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased;

S. R. 81. Joint resolution to enlarge the use of electric conduits in the District of Columbia; and

S. R. 129. A joint resolution amending an act "to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," passed at the present session of Congress.

The message also announced that the President pro tempore had appointed Mr. COCKRELL a member of the conference committee on the part of the Senate on the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, in place of Mr. TELLER.

#### PHILIPPINE GOVERNMENT.

Mr. COOPER of Wisconsin. I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT of Massachusetts. Mr. Speaker, the gentleman from Missouri [Mr. DE ARMOND] complains that the Republican party will not announce its purposes. There is an old adage that none are so blind as those who will not see. It is equally true that no one is so dull as those who will not understand. I think the gentleman from Missouri owes his apparent blindness and his dullness not to his lack of faculties, but to his unwillingness to use his faculties. It seems to me it is perfectly clear what is the purpose of the Republican party and what has been its purpose from the beginning.

When those islands came to us the first thing we purposed was to establish peace and order there as soon as possible. Since then we have been steadily endeavoring to put down insurrection, and it seems as if we had about accomplished it. More than that, step by step, as our armies advanced, we have also introduced self-government in municipalities. We have introduced education; we have shown consistently that our purpose was to educate those people and improve them and develop them in self-government. That has been and that will be the purpose of the Republican party. What more could either party do, and what more at present can we promise, because I believe there are not a dozen men on both sides of this House together who do not really believe it will be at least twenty years before these people are fit to govern themselves.

And shall we say now what we are going to do twenty years from now? The Republican party does not equal the other side in prophecy, but it is reliable in action. [Applause on the Republican side.] It grapples with the task before it. We deal with the present and not so much with twenty years from now. What we will do then no one can surely tell. But if we could announce our purpose for the future, why should we express it now. Everyone knows that such an expression would not be binding twenty years from now.

We can not bind the Congress that will meet in the next generation. All we can do is to bind ourselves; and for a Congress to express the purpose to bind some future legislature, which it knows it can not, is, it seems to me, foolish and useless. There was a time when we could have bound future Congresses on this subject, but that time and opportunity has passed forever. For myself, I am perfectly willing to say exactly what I wish and hope. I hope that twenty years from now the Filipinos will be able to govern themselves; and I hope that twenty years from now, or fifty years from now, or ten years from now, whenever they are fit to govern themselves, if they then want independence, the American people will give it to them. [Applause.]

Mr. JONES of Virginia. Mr. Speaker—

Mr. GILLETT of Massachusetts. I can not yield. I have only five minutes. I am sure their independence is more likely to be given to them by the people who to-day constitute the Republican party than by those who constitute the Democratic party. I hope it will be given them, but nobody can tell now what will be the conditions in the East twenty years from now. No one can tell what the relations of the United States to the powers of the world will be twenty years from now. No one can tell what our commerce will demand.

Therefore, inasmuch as we can not possibly bind the legislature which will come into power twenty years from now or perhaps forty years from now—for the time is uncertain—inasmuch as we can not bind them, inasmuch as we can not foresee what the conditions will be and what those conditions will impel, it seems to me the only thing any sensible party can do is to say we will maintain order, we will educate and develop them on American lines in self-government just as fast as we can, and we will

leave the future to the powers and men that will control that future. [Applause on the Republican side.]

Mr. COOPER of Wisconsin. Mr. Speaker, I wish to call the attention of the House to one provision of the bill about which there seems to be a want of knowledge. This provision, which limits the sale of land, provides that it shall be conditioned upon actual and continuous occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser can not alienate or encumber the land or the title thereto.

That will prevent people from buying land, not going near it, and holding it for mere purposes of speculation. It requires cultivation and continuous occupation for five consecutive years, during which time neither the individual nor the corporation can alienate nor encumber the title.

Mr. JONES of Virginia. Mr. Speaker, may I ask the gentleman a question?

Mr. COOPER of Wisconsin. Yes.

Mr. JONES of Virginia. If a corporation should buy 2,500 acres of land, as it is permitted to do under this bill, could not that corporation put a tenant upon one corner of that land, one acre of it, keep him there cultivating that one acre for five years, and in that way comply with the terms of this law?

Mr. COOPER of Wisconsin. Nothing of the sort, and never could be.

Mr. JONES of Virginia. There is nothing which prevents it.

Mr. COOPER of Wisconsin. Anything of the kind intimated by the gentleman from Virginia would not be tolerated for a moment.

Mr. JONES of Virginia. If that be so—

Mr. COOPER of Wisconsin (continuing.) The occupancy must be in good faith, as a matter of law. It must be substantial; it can not be less and meet with the requirements of this bill.

Mr. JONES of Virginia. If what the gentleman says—

Mr. COOPER of Wisconsin (continuing.) The gentleman is a lawyer, and ought to know that.

Mr. JONES of Virginia. If what the gentleman says is true, why, then, is it that the conferees have reduced the acreage which any corporation can get to 2,500 from 5,000 acres, when Governor Taft insists that it ought not to be less than 20,000 acres?

Mr. COOPER of Wisconsin. That is a matter of judgment. It is to meet the criticisms, in part, of such gentlemen as the gentleman from Virginia. A great many people think that there ought to be a larger amount of land allowed corporations in those islands. Many of them are of the opinion that what we allow in this bill is too restricted.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. COOPER of Wisconsin. Certainly.

Mr. MANN. Do I understand the gentleman to say that corporations purchasing this land for cultivation will not be allowed to borrow money at all by mortgage, and that it will not be liable for seizure and execution for debt?

Mr. COOPER of Wisconsin. That is to be the law. They may not encumber it or borrow money on it in any way. The man who goes there is to occupy that land and cultivate it and develop the resources of the country, which for generations have lain uncultivated.

Mr. MANN. Would that include a mortgage upon improvements which might be put upon the land, and which in this country would be a portion of the real estate?

Mr. COOPER of Wisconsin. Anything fixed is subject to this law under the rule of American homestead, I suppose.

Mr. MANN. I assume that the American common law is not prevalent there; and I did not know, but it would seem to me rather onerous on a corporation.

Mr. COOPER of Wisconsin. It would be a part of the land if fixed.

Mr. LACEY. Will the gentleman yield to me for a question?

Mr. COOPER of Wisconsin. Certainly.

Mr. LACEY. In the agricultural land system I notice you have followed the metric system, but as to mines you have adopted the English or American system of feet and inches. Will not that lead to confusion by having different methods for surveys—surveying mining claims, on the one hand, by one system and agricultural lands, on the other hand, by another—adopting two different systems of land measurements in the same country?

Mr. COOPER of Wisconsin. I raised that point in the conference, but the Senate conferees thought it had better be left. They thought 1,000 feet would be easily understood, and that there would be no trouble. Out of deference to them, and in view of the fact that they had yielded upon many points, we yielded in that.

Mr. LACEY. I do not think it is so easily understood.

Mr. COOPER of Wisconsin. I should have preferred it the



other way, and so possibly would my associates, but we yielded out of regard to the wishes of the Senate conferees.

Mr. WILLIAMS of Illinois. Mr. Speaker, I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. COOPER of Wisconsin. I yield for a question.

Mr. WILLIAMS of Illinois. In answering the gentleman from Virginia, I did not understand the chairman to say whether the occupancy of land by a tenant of a corporation would not be considered an occupancy by the corporation itself under this bill.

Mr. COOPER of Wisconsin. The gentleman did not understand the question of the gentleman from Virginia.

Mr. WILLIAMS of Illinois. Then I will ask that question myself. Whether a corporation may not occupy this land by tenant; and would not that be the only way that it might be occupied and comply with the requirements of this bill?

Mr. COOPER of Wisconsin. The question of the gentleman from Virginia assumed that a corporation might occupy a mere corner of the land—an acre out of 2,500—and that that under the law would be considered an occupancy of 2,500 acres. I said that such a construction of the law would not be tolerated. Such an occupancy would not be in good faith and would not be in accordance with the requirements of the law.

Mr. WILLIAMS of Illinois. This is the question I wanted to ask the gentleman. Then, a corporation under this bill may simply occupy a piece of land by tenant, and it would thus comply with the law and get title?

Mr. COOPER of Wisconsin. No.

Mr. WILLIAMS of Illinois. A corporation can take 2,500 acres under this law?

Mr. COOPER of Wisconsin. They must occupy it in good faith for five years before they can become the owner under this bill. A corporation is an artificial body; it has to occupy it by somebody. The tenants occupy the land, and if they cultivate and improve it for five consecutive years, that meets the requirements of the law.

Now, Mr. Speaker, I ask for the previous question.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the conference report.

Mr. JONES of Virginia. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 148, nays 94, answered "present" 13, not voting 95; as follows:

## YEAS—148.

Acheson,	Dahle,	Hughes,
Alexander,	Dalzell,	Jack,
Allen, Me.	Darragh,	Jones, Wash.
Applin,	Davidson,	Joy,
Babcock,	Dayton,	Kahn,
Ball, Del.	Deemer,	Knapp,
Barney,	Dick,	Knox,
Bartholdt,	Dovener,	Kyle,
Beidler,	Draper,	Lacey,
Bingham,	Eddy,	Landis,
Bishop,	Esch,	Lawrence,
Blackburn,	Evans,	Lessler,
Boutell,	Fletcher,	Lewis, Pa.
Bowersock,	Foerderer,	Littlefield,
Brick,	Foss,	Long,
Bristow,	Foster, Vt.	Loud,
Brownwell,	Fowler,	Loving,
Brown,	Gaines, W. Va.	McCleary,
Brownlow,	Gardner, Mich.	McLachlan,
Burk, Pa.	Gibson,	Mahon,
Burke, S. Dak.	Gillett, Mass.	Mann,
Burkett,	Graff,	Marshall,
Burleigh,	Graham,	Martin,
Burton,	Greene, Mass.	Minor,
Butler,	Grosvenor,	Mondell,
Cannon,	Grow,	Moody, N. C.
Capron,	Hamilton,	Moody, Oreg.
Cassel,	Hanbury,	Morgan,
Conner,	Haskins,	Moss,
Coombs,	Hedge,	Mudd,
Cooper, Wis.	Hemenway,	Needham,
Cousins,	Henry, Conn.	Nevin,
Cromer,	Hepburn,	Olmsted,
Crumacker,	Hill,	Overstreet,
Currier,	Holliday,	Palmer,
Curtis,	Hopkins,	Parker,
Cushman,	Howell,	Patterson, Pa.

## NAYS—94.

Adamson,	Caldwell,	Flood,
Allen, Ky.	Candler,	Gaines, Tenn.
Ball, Tex.	Cassingham,	Gordon,
Bankhead,	Clark,	Green, Pa.
Bartlett,	Clayton,	Griffith,
Beall,	Cochran,	Hall,
Benton,	Cowherd,	Hay,
Bowie,	Davey, La.	Hooker,
Brantley,	Davis, Fla.	Howard,
Breazeale,	De Armond,	Jackson, Kans.
Brundidge,	Feely,	Johnson,
Burleson,	Finley,	Jones, Va.
Burnett,	Fitzgerald,	Kehoe,
		Kern,
		Kitchin, Wm. W.
		Kieberg,
		Kuntz,
		Lamb,
		Lanham,
		Lewis, Ga.
		Little,
		Livingston,
		Lloyd,
		McAndrews,
		McCall,
		McClellan,

McCulloch,	Norton,	Rucker,	Sulzer,
McDermott,	Padgett,	Ryan,	Swanson,
Mahoney,	Pierce,	Shafroth,	Tate,
Maynard,	Pugsley,	Sims,	Underwood,
Meyer, La.	Randell, Tex.	Slayden,	Wiley,
Mickey,	Rhea, Va.	Small,	Williams, Ill.
Miers, Ind.	Richardson, Ala.	Snodgrass,	Williams, Miss.
Moon,	Richardson, Tenn.	Snook,	Wilson,
Mutchler,	Rixey,	Spight,	Zenor.
Napthen,	Robinson, Ind.	Stark,	
Neville,	Robinson, Nebr.	Stephens, Tex.	

## ANSWERED "PRESENT"—13.

Adams,	Irwin,	Powers, Me.	Vandiver.
Conry,	Mercer,	Skiles,	
Emerson,	Metcalf,	Thompson,	
Foster, Ill.	Otjen,	Trimble,	

## NOT VOTING—95.

Bates,	Fox,	Lever,	Selby,
Bellamy,	Gardner, N. J.	Lindsay,	Shackelford,
Belmont,	Gilbert,	Littauer,	Shallenberger
Blakeney,	Gill,	Loudenslager,	Shelden,
Boreing,	Gillet, N. Y.	McLain,	Sheppard,
Broussard,	Glenn,	McRae,	Sherman,
Bull,	Goldfogle,	Maddox,	Smith, Ky.
Burgess,	Gooch,	Miller,	Smith, Wm. Alden
Calderhead,	Griggs,	Morrell,	Sparkman,
Connell,	Haugen,	Morris,	Stevens, Minn.
Cooney,	Heatwole,	Newlands,	Storm,
Cooper, Tex.	Henry, Miss.	Patterson, Tenn.	Sutherland,
Corliss,	Henry, Tex.	Pou,	Talbert,
Creamer,	Hildebrandt,	Powers, Mass.	Taylor, Ala.
Crowley,	Hitt,	Ransdell, La.	Thayer,
De Graffenreid,	Hull,	Reid,	Thomas, N. C.
Dinsmore,	Jackson, Md.	Robb,	Tongue,
Dougherty,	Jenkins,	Robertson, La.	Weeks,
Douglas,	Jett,	Rumple,	Wheeler,
Driscoll,	Ketcham,	Ruppert,	White,
Edwards,	Kitchin, Claude	Russell,	Woods,
Elliott,	Lassiter,	Scarborough,	Wooten,
Fleming,	Latimer,	Schirm,	Young.
Fordney,	Lester,	Scott,	

So the conference report was agreed to.

The following additional pairs were announced:

For the session:

Mr. OTJEN with Mr. SHACKLEFORD.

Mr. SHERMAN with Mr. RUPPERT.

Mr. METCALF with Mr. WHEELER.

Until further notice:

Mr. SCOTT with Mr. NEWLANDS.

Mr. EMERSON with Mr. GILBERT.

Mr. POWERS of Massachusetts with Mr. CONRY.

For this day:

Mr. CALDERHEAD with Mr. WOOTEN.

Mr. WOODS with Mr. DOUGHERTY.

Mr. POWERS of Maine with Mr. FOX.

On this vote:

Mr. MORRIS with Mr. SHALLENBERGER.

Mr. HITT with Mr. DINSMORE.

Mr. GILL with Mr. GRIGGS.

Mr. HILDEBRANT with Mr. GOLDFOGLE.

Mr. IRWIN with Mr. GOOCH.

Mr. CORLISS with Mr. LINDSAY.

Mr. SCHIRM with Mr. MADDOX.

Mr. SUTHERLAND with Mr. SPARKMAN.

Mr. STORM with Mr. POUL.

Mr. LOUDENSLAGER with Mr. BELMONT.

Mr. WM. ALDEN SMITH with Mr. JETT.

Mr. FOERDERER with Mr. RHEA of Virginia.

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House that the President had approved and signed bills of the following titles:

On June 27, 1902:

H. R. 292. An act granting a pension to Henrietta Gottweis;  
H. R. 1466. An act granting a pension to Alfred Hatfield;  
H. R. 3770. An act granting a pension to James E. Dickey;  
H. R. 3986. An act granting a pension to Martha A. Corrish;  
H. R. 5877. An act granting a pension to Robert Watts;  
H. R. 6186. An act granting a pension to Carrie D. Farnham;  
H. R. 6402. An act granting a pension to Mary J. Adams;  
H. R. 7353. An act granting a pension to Nancy M. Williams;  
H. R. 7906. An act granting a pension to Martha G. Young;  
H. R. 7986. An act granting a pension to Clara C. Hawks;  
H. R. 8781. An act granting a pension to Thomas H. Devitt;  
H. R. 9717. An act granting a pension to Isaac M. Pangle;  
H. R. 10255. An act granting a pension to Margaret Tisdale;  
H. R. 10794. An act granting a pension to Thomas H. Devitt;  
H. R. 11115. An act granting a pension to Angeline H. Taylor;  
H. R. 11493. An act granting a pension to Mary A. Lipps;  
H. R. 12130. An act granting a pension to Christopher S. Stephens;  
H. R. 12312. An act granting a pension to Susan Walker;

H. R. 13150. An act granting a pension to James B. Mahan;  
 H. R. 13178. An act granting a pension to William F. Bowden;  
 H. R. 14012. An act granting a pension to Fannie Reardon;  
 H. R. 14118. An act granting a pension to Mary C. Bickerstaff;  
 H. R. 14359. An act granting a pension to Luther G. Edwards;  
 H. R. 14374. An act granting a pension to Samantha Towner;  
 H. R. 884. An act granting an increase of pension to Ellen W. Rice;  
 H. R. 945. An act granting an increase of pension to William W. Richardson;  
 H. R. 954. An act granting an increase of pension to Rachael Brown;  
 H. R. 1478. An act granting an increase of pension to Henry Runnels;  
 H. R. 2192. An act granting an increase of pension to Benjamin F. Shearer;  
 H. R. 2470. An act granting an increase of pension to Charles P. Maxwell;  
 H. R. 2615. An act granting an increase of pension to Charles E. Miller;  
 H. R. 3262. An act granting an increase of pension to David T. Bruck;  
 H. R. 3263. An act granting an increase of pension to John Reyley;  
 H. R. 3677. An act granting an increase of pension to James F. Gray;  
 H. R. 3768. An act granting an increase of pension to John W. Campbell;  
 H. R. 5018. An act granting an increase of pension to Johann Conrad Haas;  
 H. R. 5145. An act granting an increase of pension to Thomas Swan;  
 H. R. 5146. An act granting an increase of pension to Florian V. Sims;  
 H. R. 5328. An act granting an increase of pension to Samuel Bortle;  
 H. R. 5866. An act granting an increase of pension to William P. Schott, alias Jacob Schott;  
 H. R. 6414. An act granting an increase of pension to William W. H. Davis;  
 H. R. 6890. An act granting an increase of pension to Robert G. Scroggs;  
 H. R. 6991. An act granting an increase of pension to Esek B. Chandler;  
 H. R. 7882. An act granting an increase of pension to John H. Smith;  
 H. R. 7922. An act granting an increase of pension to Richard G. Watkins;  
 H. R. 8026. An act granting an increase of pension to Joseph D. McClure;  
 H. R. 8109. An act granting an increase of pension to William H. McCarter;  
 H. R. 8457. An act granting an increase of pension to Gibboney F. Hoop;  
 H. R. 8476. An act granting an increase of pension to Moses S. Curtis;  
 H. R. 8698. An act granting an increase of pension to Nelson Churchill;  
 H. R. 8780. An act granting an increase of pension to Pierson L. Shick;  
 H. R. 9164. An act granting an increase of pension to John H. Crawford;  
 H. R. 9366. An act granting an increase of pension to Peter T. Norris;  
 H. R. 9463. An act granting an increase of pension to Edgar A. Stanley;  
 H. R. 9710. An act granting an increase of pension to Elizabeth J. Eagon;  
 H. R. 10172. An act granting an increase of pension to Thomas Finegan;  
 H. R. 10767. An act granting an increase of pension to Louisa N. Grinstead;  
 H. R. 10899. An act granting an increase of pension to William Warner;  
 H. R. 10954. An act granting an increase of pension to Mary J. Gillam;  
 H. R. 11327. An act granting an increase of pension to Charles E. Pettis;  
 H. R. 11711. An act granting an increase of pension to Isaac Gibson;  
 H. R. 11865. An act granting an increase of pension to John A. Robertson;  
 H. R. 12047. An act granting an increase of pension to Jackson L. Wilson;

H. R. 12305. An act granting an increase of pension to Charles Olson;  
 H. R. 12408. An act granting an increase of pension to John A. Eveland;  
 H. R. 12409. An act granting an increase of pension to Jesse M. Peck;  
 H. R. 12724. An act granting an increase of pension to Richard M. Kellough;  
 H. R. 12770. An act granting an increase of pension to Carrie M. Schofield;  
 H. R. 12774. An act granting an increase of pension to John M. Brown;  
 H. R. 12976. An act granting an increase of pension to Jacob Smith;  
 H. R. 13017. An act granting an increase of pension to James Austin;  
 H. R. 13063. An act granting an increase of pension to Julia B. Shurtleff;  
 H. R. 13081. An act granting an increase of pension to Anthony J. Bailey;  
 H. R. 13321. An act granting an increase of pension to John S. Bonham;  
 H. R. 13378. An act granting an increase of pension to Edwin Beckwith;  
 H. R. 13423. An act granting an increase of pension to Elizabeth Wall;  
 H. R. 13554. An act granting an increase of pension to Andrew E. Hicks;  
 H. R. 13597. An act granting an increase of pension to Edmund B. Appleton;  
 H. R. 13675. An act granting an increase of pension to George W. White;  
 H. R. 13683. An act granting an increase of pension to Ella B. S. Mannix;  
 H. R. 13691. An act granting an increase of pension to James M. Conrad;  
 H. R. 13946. An act granting an increase of pension to Stephen B. Todd;  
 H. R. 14052. An act granting an increase of pension to George Fusselman;  
 H. R. 14079. An act granting an increase of pension to John Miller; and  
 H. R. 14224. An act granting an increase of pension to Margaret S. Tod.  
 On June 28, 1902:  
 H. R. 13123. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes;  
 H. R. 14802. An act for the purchase of real estate for revenue and customs purposes, at Wilmington, N. C.;  
 H. R. 3641. An act for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act, approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc.;  
 H. R. 8769. An act for the relief of S. J. Bayard Schindel;  
 H. R. 14247. An act to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina;  
 H. R. 13650. An act to correct the military record of James M. Olmstead;  
 H. R. 10933. An act to provide for the erection, at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which was ordered by Congress on the 8th day of April, 1777, should be erected;  
 H. R. 14111. An act to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company;  
 H. R. 14691. An act to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa;  
 H. R. 3110. An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans;  
 H. R. 12097. An act to amend the internal-revenue laws in regard to storekeepers and gaugers;  
 H. R. 11019. An act directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service; and  
 H. J. Res. 103. Joint resolution relative to the disposition of patent specifications and drawings in the western district of Pennsylvania.



On June 30, 1902:

H. R. 4556. An act to amend an act entitled "An act to supplement existing laws relating to the disposition of lands, etc.," approved March 3, 1901;

H. R. 6570. An act to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps; and

H. R. 9723. An act correcting the record of Levi Wells.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles:

H. R. 13875. An act authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona;

H. R. 14234. An act granting a pension to John Williamson;

H. R. 10321. An act granting an increase of pension to Susan A. Phelps;

H. R. 2494. An act for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

H. R. 11987. An act relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington;

H. R. 303. An act for the relief of Sol Bear & Co.;

H. R. 8586. An act amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898;"

H. R. 15270. An act to amend an act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings ship channel, in Aransas County, Tex.;"

H. R. 367. An act for the relief of Angus A. McPhee;

H. J. Res. 198. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the thirty-sixth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment; and

H. J. Res. 182. Joint resolution authorizing the Director of the Census to compile statistics relating to irrigation.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 493. An act to amend an act entitled "An act to establish a code of law for the District of Columbia."

#### BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval the following bills:

H. R. 14019. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes;

H. R. 15003. An act to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township;

H. R. 10824. An act granting an increase of pension to George E. Bump;

H. R. 8644. An act granting a pension to John W. Thomas;

H. R. 9501. An act to provide for the sale of the unsold portion of the Umatilla Indian Reservation;

H. R. 12026. An act granting an increase of pension to Baley W. Small;

H. R. 10775. An act for the relief of Charles E. Sapp;

H. R. 11273. An act to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, \$430.42, for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.;

H. R. 2487. An act granting an increase of pension to William S. Hosack;

H. R. 11171. An act granting a pension to Elizabeth A. Nalley;

H. R. 7013. An act granting an increase of pension to Jason E. Freeman;

H. R. 12086. An act to extend the time for the construction of the East Washington Heights Traction Railroad Company;

H. R. 12549. An act granting an increase of pension to Ransom Simmons;

H. R. 11400. An act to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898;

H. R. 13172. An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes;

H. R. 9960. An act to prevent the false branding or marking of food and dairy products as to the State or Territory in which they are made or produced;

H. R. 5809. An act for the further distribution of the reports of the Supreme Court, and for other purposes;

H. R. 11656. An act to incorporate the Society of the Army of Santiago de Cuba;

H. R. 12597. An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes;

H. R. 14082. An act to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.;

H. R. 97. An act to authorize the Secretary of War to furnish certificates in lieu of lost or destroyed discharges; and

H. R. 8209. An act for the relief of P. A. McClain.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, bills of the Senate of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6286. An act prohibiting the killing or taking of seals, porpoises, whales, or marine animals, or fish of any kind in the waters of the United States by means of explosive materials, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

S. 5678. An act providing for record of deeds and other conveyances and instruments of writing in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

S. R. 81. Joint resolution to enlarge the use of electric conduits in the District of Columbia—to the Committee on the District of Columbia.

S. 5950. An act for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased—to the Committee on Claims.

S. 6045. An act granting an increase of pension to Charles Sprague—to the Committee on Invalid Pensions.

S. 6004. An act authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of \$241.60, etc.—to the Committee on Claims.

S. 5272. An act for the relief of Darwin S. Hall—to the Committee on Claims.

S. 2035. An act to pay to Rear-Admiral Winfield Scott Schley, on the retired list, the pay and allowance of a rear-admiral on the active list—to the Committee on Naval Affairs.

S. 4657. An act to aid in the erection of a statue of Commodore John D. Sloat, United States Navy, at Monterey, Cal.—to the Committee on the Library.

JACOB L. HAUGER.

Mr. PARKER. I submit a conference report on the bill (H. R. 3690) for the relief of Jacob L. Hauger. I ask unanimous consent that the report be printed in the RECORD and that only the statement of the House conferees be read.

The SPEAKER. In the absence of objection, that order will be made.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 3690) for the relief of Jacob L. Hauger, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

RICHARD WAYNE PARKER,

F. W. MONDELL,

House conferees.

F. E. WARREN,

N. B. SCOTT,

F. M. COCKRELL,

Senate conferees.

The statement of the House conferees was read, as follows:

The managers on the part of the House at the conference on the disagreeing vote of the two Houses on the amendments of the Senate to the bill (H. R. 3690) for the relief of Jacob L. Hauger, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on said amendment, namely:

The Senate amendment only changed the language of said bill, which removes the charge of desertion, so as to hold he was absent without leave, instead of granting an honorable discharge.

It is a question of language simply, and this House recedes.

JUNE, 1902.

RICHARD WAYNE PARKER,

F. W. MONDELL,

Managers on the part of the House.

Mr. PARKER. I move the adoption of the report.

The motion was agreed to, and the report was adopted.

## ANACOSTIA AND POTOMAC RIVER RAILROAD.

Mr. BABCOCK. I wish to submit a conference report which I send to the desk, together with the statement of the House conferees. I ask that the report be printed and that only the statement be read.

There being no objection, it was ordered accordingly.

The report is as follows:

The Com. of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12805) requiring the Anacostia and Potomac R. R. Co. to extend its 11th street line, and for other purposes, having met, after full conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered one and agree to the same, with an amendment as follows: "In lieu of the proviso proposed to be inserted by the Senate amendment insert 'provided that until the railroad on 11th street is further extended cars may be switched on 11th street between Whitney and Lydecker avenues; and provided further that until provision is made for further extension of the Metropolitan Railroad on old 16th st., cars may be switched on old 16th st. between Grant and Park sts.'"

And the Senate agreed to the same.

That the House recede from its disagreement to the amendment of the Senate No. 2 and agree to the same.

And the Senate agree to the same.

J. W. BABCOCK,  
SIDNEY E. MUDD,  
ADOLPH MEYER,

*Managers on the part of the House of Representatives.*

J. H. GALLINGER,  
H. B. HANSBROUGH,

*Managers on the part of the Senate.*

The statement of the House conferees was read, as follows:

Statement of the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad to extend its Eleventh street line, and for other purposes.

The amendment No. 1, as agreed to in conference, provides for the terminus of the extension authorized at Eleventh street and Lydecker avenue, in place of a single track loop around the two squares bounded by Lydecker avenue, Morgan avenue, Spring street, and Eslin avenue, as provided for in the House bill. This will give ample street-car facilities to the residents of that locality at the present time.

The House recedes from amendment No. 2, which extends for two years the time within which the Washington and Gettysburg Railway Company shall construct its lines within the District of Columbia.

J. W. BABCOCK,  
SIDNEY E. MUDD,

*Managers on the part of the House.*

The report was agreed to.

## ORDER OF BUSINESS.

Mr. PAYNE. I move that the House now take a recess until 8 o'clock this evening.

Mr. CANNON. Before the question is put on that question, I wish to give notice that at 8 o'clock this evening, if the House takes a recess, I shall submit a conference report on the deficiency appropriation bill.

Mr. FOSS. And I desire to give notice that this evening I shall call up the conference report on the naval appropriation bill.

## WITHDRAWAL OF PAPERS.

Pending the motion for a recess—

Mr. GRIFFITH, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of Elymas F. Wilkins, Fifty-sixth Congress, no adverse report having been made thereon.

The question being then taken on the motion of Mr. PAYNE for a recess until 8 o'clock p. m., it was agreed to; and accordingly (at 5 o'clock and 35 minutes p. m.) the House took a recess.

## EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

## ELECTION CONTEST—WILSON AGAINST LASSITER.

Mr. HASKINS. Mr. Speaker, I desire to submit from the Committee on Elections No. 3 a report on a contested-election case, to be placed on the Calendar and lie over.

The SPEAKER. The Clerk will read the resolutions appended to the report.

The Clerk read as follows:

*Resolved*, That C. E. Wilson was not elected a Representative to the Fifty-seventh Congress from the Fourth district of the State of Virginia.

*Resolved*, That F. R. Lassiter was duly elected a Representative to the Fifty-seventh Congress from the Fourth district of the State of Virginia, and is entitled to retain his seat therein.

## EFFICIENCY OF THE MILITIA.

Mr. DICK. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read the bill, as follows:

A bill (H. R. 11654) to promote the efficiency of the militia, and for other purposes.

*Be it enacted, etc.*, That the militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than 18 and less than 45 years of age, and shall be divided into three classes—the organized militia, to be known as the

National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, the National Volunteer Reserve as provided by this act, and the remainder to be known as the Reserve Militia.

SEC. 2. That the Vice-President of the United States, the officers, judicial and executive, of the Government of the United States, the members and officers of each House of Congress, persons in the military or naval service of the United States, all custom-house officers, with their clerks, postmasters and persons employed by the United States in the transmission of the mail, ferrymen employed at any ferry on a post road, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age.

SEC. 3. That the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section 1681 of the Revised Statutes of the United States as amended, whether known and designated as National Guard, militia, or otherwise, shall constitute the organized militia. The organization, armament, and discipline of the organized militia in the several States and Territories and in the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular and Volunteer Armies of the United States within five years from the date of the approval of this act: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps. *And provided further*, That any corps of artillery, cavalry, and infantry existing in any State at the passage of the act of May 8, 1792, which, by the laws, customs, or usages of the said State have been in continuous existence since the passage of said act under its provisions and under the provisions of section 232 and sections 1625 to 1690, both inclusive, of Title 16 of the Revised Statutes of the United States relating to the militia, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law in like manner as the other militia.

SEC. 4. That whenever the United States is invaded, or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable, with the other forces at his command, to execute the laws of the Union in any part thereof, it shall be lawful for the President to call forth, for a period not exceeding nine months, such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose to such officers of the militia as he may think proper.

SEC. 5. That whenever the President calls forth the militia of any State or Territory or of the District of Columbia to be employed in the service of the United States, he may specify in his call the period for which such service is required, not exceeding nine months, and the militia so called shall continue to serve during the term so specified, unless sooner discharged by order of the President.

SEC. 6. That when the militia of more than one State is called into the actual service of the United States by the President he may, in his discretion, apportion them among such States or Territories or to the District of Columbia according to representative population.

SEC. 7. That every officer and enlisted man of the militia called into the service of the United States in the manner hereinbefore prescribed shall be held to be in such service from the date of the publication of such call; and any officer or man who shall refuse or neglect to obey such call shall be subject to trial by court-martial and shall be punished as such court-martial may direct.

SEC. 8. That courts-martial for the trial of officers or men of the militia, when in the service of the United States, shall be composed of militia officers only.

SEC. 9. That the militia, when called into the actual service of the United States, shall be subject to the same Rules and Articles of War as the regular troops of the United States.

SEC. 10. That the militia, when called into the actual service of the United States, shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army.

SEC. 11. That when the militia is called into the actual service of the United States, or any portion of the militia is accepted under the provisions of this act, their pay shall commence from the day of their appearing at the place of company rendezvous. But this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing laws to be paid after their arrival at such places of rendezvous.

SEC. 12. There shall be appointed in each State, Territory, and District of Columbia an adjutant-general, who shall perform such duties as may be prescribed by the laws of such State, Territory, and District, respectively, and make returns to the Secretary of War, at such times and in such form as he shall from time to time prescribe, of the strength of the organized militia, and also make such reports as may from time to time be required by the Secretary of War. That the Secretary of War shall, with his annual report of each year, transmit to Congress an abstract of the returns and reports of the adjutants-general of the States, Territories, and the District of Columbia, with such observations thereon as he may deem necessary for the information of Congress.

SEC. 13. That the Secretary of War is hereby authorized to issue, on the requisitions of the governors of the several States and Territories, or of the commanding general of the militia of the District of Columbia, such number of the United States standard service magazine arms, with bayonets, bayonet scabbards, gun slings, belts, and such other necessary accoutrements and equipments as are required for the Army of the United States, for arming all of the organized militia in said States and Territories and District of Columbia, without charging the cost or value thereof, or any which have been issued since December 1, 1901, or any expense connected therewith, against the allotment to said State, Territory, or District of Columbia, out of the annual appropriation provided by section 1681 of the Revised Statutes, as amended, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition, or parts thereof, suitable to the new arms, round for round, for corresponding ammunition suitable to the old arms theretofore issued to said State, Territory, or District by the United States: *Provided*, That said rifles and carbines and other property shall be receipted for and shall remain the property of the United States and be annually accounted for by the governors of the States and Territories as now required by law, and that each State, Territory, and District shall, on receipt of the new arms, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor, and without expense for transportation, all United States rifles and carbines now in its possession.

To provide means to carry into effect the provisions of this section, the necessary money to cover the cost of exchanging or issuing the new arms,



accounterments, equipments, and ammunition to be exchanged or issued hereunder is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

SEC. 14. That whenever it shall appear by the report of inspections, which it shall be the duty of the Secretary of War to cause to be made at least once in each year by officers detailed by him for that purpose, that the organized militia of a State or Territory or of the District of Columbia is sufficiently armed, uniformed, and equipped for active duty in the field, the Secretary of War is authorized, on the requisition of the governor of such State or Territory, to pay to the quartermaster-general thereof, or to such other officer of the militia of said State as the said governor may designate and appoint for the purpose, so much of its allotment out of the said annual appropriation under section 1661 of the Revised Statutes as amended as shall be necessary for the payment, subsistence, and transportation of such portion of said organized militia as shall engage in actual field or camp service for instruction, and the officers and enlisted men of such militia while so engaged shall be entitled to the same pay, subsistence, and transportation or travel allowances as officers and enlisted men of corresponding grades of the Regular Army are or may hereafter be entitled by law, and the officer so designated and appointed shall be regarded as a disbursing officer of the United States, and shall render his accounts through the War Department to the proper accounting officers of the Treasury for settlement, and he shall be required to give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for the safekeeping and payment of the public moneys so intrusted to him for disbursement.

SEC. 15. That the Secretary of War is hereby authorized to provide for participation by any part of the organized militia of any State or Territory on the request of the governor thereof in the encampment, maneuvers, and field instruction of any part of the Regular Army at or near any military post or camp or lake or seacoast defenses of the United States. In such case the organized militia so participating shall receive the same pay, subsistence, and transportation as is provided by law for the officers and men of the Regular Army, to be paid out of the appropriation for the pay, subsistence, and transportation of the Army: *Provided*, That the command of such military post or camp and of the officers and troops of the United States there stationed shall remain with the regular commander of the post without regard to the rank of the commanding or other officers of the militia temporarily so encamped within its limits or in its vicinity.

SEC. 16. That whenever any officer of the organized militia shall, upon recommendation of the governor of any State, Territory, or general commanding the District of Columbia, and when authorized by the President, attend and pursue a regular course of study at any military school or college of the United States such officer shall receive from the annual appropriation for the support of the Army the same travel allowances and quarters, or commutation of quarters, to which an officer of the Regular Army would be entitled if attending such school or college under orders from proper military authority, and shall also receive commutation of subsistence at the rate of \$1 per day while in actual attendance upon the course of instruction.

SEC. 17. That the annual appropriation made by section 1661, Revised Statutes as amended, shall be available for the purpose of providing for issue to the organized militia any stores and supplies or publications which are supplied to the Army by any department. Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department, for the use of its militia, stores, supplies, material of war, or military publications, such as are furnished to the Army, in addition to those issued under the provisions of this Act, at the price at which they are listed for issue to the Army, with the cost of transportation added, and funds received from such sales shall be credited to the appropriations to which they belong and shall not be covered into the Treasury, but shall be available until expended to replace therewith the supplies sold to the States and Territories and to the District of Columbia in the manner herein provided.

SEC. 18. That each State or Territory furnished with material of war under the provisions of this or former acts of Congress shall, during the year next preceding each annual allotment of funds, in accordance with section 1661 of the Revised Statutes as amended, have required every company, troop, and battery in its organized militia not excused by the governor of such State or Territory to participate in practice marches or go into camp of instruction at least five consecutive days, and to assemble for drill and instruction at company, battalion, or regimental armories or rendezvous or for target practice not less than 24 times, and shall also have required during such year an inspection of each such company, troop, and battery to be made by an officer of such militia or an officer of the Regular Army.

SEC. 19. That upon the application of the governor of any State or Territory furnished with material of war under the provisions of this act or former laws of Congress, the Secretary of War may detail one or more officers of the Army to attend any encampment of the organized militia, and to give such instruction and information to the officers and men assembled in such camp as may be requested by the governor. Such officer or officers shall immediately make a report of such encampment to the Secretary of War, who shall furnish a copy thereof to the governor of the State or Territory.

SEC. 20. That upon application of the governor of any State or Territory furnished with material of war under the provisions of this act or former laws of Congress, the Secretary of War may, in his discretion, detail one or more officers of the Army to report to the governor of such State or Territory for duty in connection with the organized militia. All such assignments may be revoked at the request of the governor of such State or Territory or at the pleasure of the Secretary of War.

SEC. 21. That the troops of the militia encamped at any military post or camp of the United States may be furnished such amounts of ammunition for instruction in firing and target practice as may be prescribed by the Secretary of War, and such instruction in firing shall be carried on under the direction of an officer selected for that purpose by the proper military commander.

SEC. 22. That when any officer, noncommissioned officer, or private of the militia or of the national volunteer reserve is disabled by reason of wounds or disabilities received or incurred in the service of the United States he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer, noncommissioned officer, or private dies in the service of the United States or in returning to his place of residence after being mustered out of such service, or at any time, in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

SEC. 23. That for the purpose of securing a list of persons specially qualified to hold commissions in any volunteer force which may hereafter be called for and organized under the authority of Congress, other than a force composed of organized militia, the Secretary of War is authorized from time to time to convene boards of officers at suitable and convenient Army posts in different parts of the United States, who shall examine as to their qualifications for the command of troops or for the performance of staff duties all applicants who shall have served in the Regular Army of the United States, in any of the volunteer forces of the United States, or in the organized militia of any State or Territory or District of Columbia, or who, being a citizen

of the United States, shall have attended or pursued a regular course of instruction in any military school or college of the United States Army, or shall have graduated from any educational institution to which an officer of the Army or Navy has been detailed as superintendent or professor pursuant to law after having creditably pursued the course of military instruction therein provided.

Such examinations shall be under rules and regulations prescribed by the Secretary of War, and shall be especially directed to ascertain the practical capacity of the applicant. The record of previous service of the applicant shall be considered as a part of the examination. Upon the conclusion of each examination the board shall certify to the War Department its judgment as to the fitness of the applicant, stating the office, if any, which it deems him qualified to fill, and upon approval by the President, the names of the persons certified to be qualified shall be inscribed in a register to be kept in the War Department for that purpose.

The persons so certified and registered shall, subject to a physical examination at the time, constitute the eligible class for commissions pursuant to such certificates in any volunteer force hereafter called for and organized under the authority of Congress, other than a force composed of organized militia, and the President may authorize persons from this class to attend and pursue a regular course of study at any military school or college of the United States and to receive from the annual appropriation for the support of the Army the same allowances and commutations as provided in this act for officers of the organized militia: *Provided*, That no person shall be entitled to receive a commission as a second lieutenant after he shall have passed the age of 30; as first lieutenant after he shall have passed the age of 35; as captain after he shall have passed the age of 40; as major after he shall have passed the age of 45; as lieutenant-colonel after he shall have passed the age of 50, or as colonel after he shall have passed the age of 55: *And provided further*, That such appointments shall be distributed proportionately, as near as may be, among the various States contributing such volunteer force: *And provided*, That the appointments in this section provided for shall not be deemed to include appointments to any office in any company, troop, battery, battalion, or regiment of the organized militia which volunteers as a body or the officers of which are appointed by the governor of a State or Territory.

SEC. 24. That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress, the Secretary of War is authorized to apportion among the several States and Territories and to enroll not exceeding 100,000 men, who shall have served in the Regular or Volunteer Armies of the United States or in the organized militia. Such reserve force shall be designated as the National Volunteer Reserve, and when called forth by the President shall serve wherever ordered, within or without the territory of the United States. Such enrollment shall in each case continue for a period of five years, but in the event they shall be called into the service of the United States, other than for the purpose of drill, inspection, and instruction, they shall be entitled to be discharged at the close of the war or after nine months' service.

The persons so enrolled shall report for drill, inspection, and instruction at such times and places to be specified and under rules and regulations to be prescribed by the Secretary of War, and each person so reporting shall, during the time of such service, be subject, as far as practicable, to the regulations and discipline governing the military establishment and shall be entitled to the same pay and allowances as are or may be provided by law for the Army of the United States, to be paid out of the appropriation for the pay of the Army, but in time of peace, except in case of threatened invasion, said National Volunteer Reserve shall not be required to perform military duty to exceed ten days in any one year. Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, batteries, battalions, or regiments of the organized militia shall enlist in the Volunteer Army in bodies, such companies, troops, batteries, battalions, or regiments shall be received as the first organizations of such volunteer force.

Whenever a volunteer force shall be called for by authority of Congress, exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist in bodies pursuant to the provisions of section 6 of the act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, the persons so enrolled as a reserve force of trained men, or so many thereof as shall be required, shall be organized in the manner provided for the organization of the volunteer force by section 12 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *Provided further*, That no person shall belong to both organizations at the same time.

SEC. 25. That all the volunteer forces of the United States called for by authority of Congress shall, except as hereinbefore provided, be organized in the manner provided by the act entitled "An act to provide for temporarily increasing the military establishment in time of war, and for other purposes," approved April 22, 1898.

SEC. 26. That sections 1625 to 1660, both included, of Title XVI of the Revised Statutes, and section 232 thereof, relating to the militia, are hereby repealed.

SEC. 27. That this act shall take effect upon the date of its approval.

Mr. STARK. Mr. Speaker, I ask that a second be ordered.

The SPEAKER. The gentleman from Nebraska demands the second.

Mr. DICK. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Ohio asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. STARK. I have no objection.

The SPEAKER. The Chair hears none. The Chair recognizes the gentleman from Ohio for twenty minutes, and the gentleman from Nebraska will control twenty minutes.

Mr. DICK. Mr. Speaker, very briefly, for the information of the House, I will state that this bill is the bill which was unanimously reported by the Committee on Militia on March 20. Now I yield to my colleague, the gentleman from Nebraska [Mr. STARK].

Mr. BARTLETT. Mr. Speaker, before the gentleman from Ohio takes his seat, I would like to ask him a question.

The SPEAKER. Does the gentleman yield?

Mr. DICK. Certainly.

Mr. BARTLETT. I desire to ask the gentleman if he proposes to amend section 8 of this bill?

Mr. DICK. The amendment to which the gentleman refers has been accepted by the committee and was read in accordance with the agreement I had with the committee this afternoon.

Mr. ROBINSON of Indiana. Mr. Speaker, I would like to ask the gentleman from Ohio a question.

The SPEAKER. Does the gentleman yield to the gentleman from Indiana?

Mr. DICK. Yes.

Mr. ROBINSON of Indiana. Mr. Speaker, I would like to ask the gentleman from Ohio if this is a general reorganization of the militia of the various States?

Mr. DICK. It is.

Mr. ROBINSON of Indiana. Concerning each of the States?

Mr. DICK. Yes.

Mr. ROBINSON of Indiana. And how many men will be affected or governed by this act?

Mr. DICK. The militia of the United States, whatever it may amount to.

Mr. ROBINSON of Indiana. Will the gentleman give us about the number of men?

Mr. DICK. If the gentleman refers to the unenrolled militia, as it is now termed, there would be 10,000,000 of them. Of the organized militia, 115,000.

Mr. ROBINSON of Indiana. The gentleman's committee reported this bill in March?

Mr. DICK. Yes.

Mr. ROBINSON of Indiana. May I ask the gentleman if he has asked the Committee on Rules for consideration of this measure when Congress was not in its closing hours?

Mr. DICK. No; it was on the Calendar, and has been waiting its turn on the Calendar.

Mr. CLAYTON. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to the gentleman from Alabama?

Mr. DICK. Yes.

Mr. CLAYTON. I desire to ask the gentleman from Ohio a question in regard to sections 23 and 24 of the bill. These two sections seem to engraft upon our militia laws entirely new provisions. The sections 23 and 24 seem to provide for the creation of a "national volunteer reserve," as it is called, and it seems that the officers for this national volunteer reserve are all to be appointed by Federal authority, under regulations laid down here, and I see that by section 24 the Secretary of War is authorized to enroll not exceeding 100,000 men in this new force called the national volunteer reserve. Now, all of those 100,000 men and all of those additional officers appointed by the President or under Federal authority constitute an entirely new provision under our militia law, as I understand it.

Mr. DICK. It is a new provision; yes, sir.

Mr. CLAYTON. I would like to have an explanation of that—the provisions of the bill to be found in sections 23 and 24—and I ask the House to scan those two provisions of the bill before voting for it, inasmuch as we can not debate the bill.

Mr. DICK. Section 23, providing for the officers, simply provides for the examination of men competent to hold commissions in the Army, providing a system of examination, and furthermore provides that they shall be apportioned as nearly as may be among the States. In other words, it follows as near as possible the law which we now have referring to volunteer officers.

Mr. CLAYTON. Now, Mr. Speaker—

Mr. DICK. Just a moment.

Mr. CLAYTON. In connection with that—

The SPEAKER. The gentleman is answering the question of the gentleman from Alabama.

Mr. DICK. I wanted to answer both the gentleman's questions at one time, if possible.

Mr. CLAYTON. Then, I desire to ask the gentleman another question in that connection.

Mr. DICK. I can best answer the question with reference to section 24 by a published letter of the Secretary of War, inasmuch as it is a correct interpretation of the section and at the same time would imply how the Department which will execute and administer this law, if it becomes a law, views this section. And if the House will permit, I will send the letter to the Clerk's desk and have it read.

The SPEAKER. The letter will be read in the time of the gentleman from Ohio.

The Clerk read as follows:

WAR DEPARTMENT, Washington, June 13, 1903.

MY DEAR SIR: I thank you for your letter of June 7 relating to clause of the Dick bill which has reference to the so-called reserve force of 100,000 men, and saying that there is an impression in some States that the enrollment of such a reserve force would be inimical to the best interests of the National Guard.

I think such an impression must necessarily be founded upon a misunderstanding as to the true meaning and effect of the bill. The proposed enrollment of not exceeding 100,000 veterans, who have been graduated from the Regular Army, the volunteers, and the National Guard, is carefully subordinated by the bill to the National Guard itself, which has a preference of liberal treatment in peace and opportunity in war definitely secured to it by the bill.

The National Guard is practically made a first reserve so far as it elects to become so, while the proposed enrollment of veterans practically takes the place of a second or volunteer reserve, to be called into service only when any other volunteer organization would be called into service, and the great effect produced being that after the Regular Army and after the National Guard we shall have a volunteer force, the first regiments of which are composed of experienced and trained soldiers who have seen service and have then gone back to civil life.

As we have a three years' term of enlistment in the Regular Army, approximately one-third of the 60,000 go out each year on the expiration of their enlistment. After making allowance for reenlistment, nearly 20,000 a year will be regularly going back into civil life. We want to keep track of those young men and be able to call them out instantly whenever war comes and have the first volunteer regiments composed of them and of the young men who have seen service and graduated from the volunteer regiments of the war with Spain, and who have seen service in the National Guard and have graduated from that.

Until war comes we will simply keep track of these men by enrollment. When the war comes they will be organized and put into the field ready for immediate service while the other volunteer regiments are being trained. There is no doubt that by this expedient we will save months of valuable time in the organization of a very considerable force, but so far as the National Guard is concerned it will make no difference, because under the bill the National Guard organizations come first.

I am very glad to be assured by your letter of your belief in the bill, and I assure you that your valuable support for its provisions is appreciated. I am confident that when it is enacted and put into force the organization and regulation of the citizen soldiery, upon whom our country must in the main rely in all future wars, will be far more efficient than it has ever been before, and that it will give to the United States at a minimum of expense a defensive power greater than could be obtained by the expenditure of millions of dollars annually in maintaining a larger standing army, and I am also confident that it will greatly promote the practical importance, the dignity, and efficiency of the National Guard throughout the United States.

Sincerely, yours,

ELIHU ROOT, Secretary of War.

Mr. CLAYTON. Mr. Speaker, may I now interrupt the gentleman?

The SPEAKER. Does the gentleman yield again to the gentleman from Alabama?

Mr. CLAYTON. I desire simply to call the gentleman's attention, in connection with these two sections, to a provision of the Constitution.

Mr. DICK. Mr. Speaker, I must decline to yield, there are so many who want to talk upon the measure in the twenty minutes allotted to me.

Mr. COWHERD. Will the gentleman allow me to ask him a question?

Mr. DICK. I yield to the gentleman from Nebraska [Mr. STARK], a member of the committee.

Mr. CLAYTON. I should like to ask the gentleman how he reconciles this bill with the provision of the Constitution "to provide for organizing, arming, disciplining, \* \* \* the militia, \* \* \* reserving to the States respectively the appointment of the officers and the authority of training the militia," etc.

The SPEAKER. The gentleman from Alabama must recognize the fact that the gentleman from Ohio has declined to yield further. The gentleman from Nebraska [Mr. STARK] has the floor for twenty minutes.

Mr. STARK. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. McCLELLAN].

Mr. McCLELLAN. Mr. Speaker, under our system of Army organization the Regular Army can only be and ought only to be a nucleus which in time of war can be expanded sufficiently to make a first line of defense to hold off invasion, so that volunteer regiments can be organized behind it to constitute the main army.

Under the present Army law there is a certain amount of elasticity. The Army may be expanded up to a maximum of a hundred thousand men; but in view of our insular possessions and the necessary garrisons for them and for Hawaii and Porto Rico, the present Army in time of war would be absolutely insufficient. It is necessary, if invasion is to be repelled, to provide some second line of defense, and the Dick bill attempts to do so.

The bill is not perfect by any manner of means, but it is the best that can be expected under the circumstances, and reflects the greatest credit upon the chairman of the committee [General DICK] and upon his colleague, the head of the minority [Mr. STARK], who have compromised many differences and have presented to us a bill that should be voted for by every member of this House, regardless of politics.

The bill provides for a general similarity of organization of all the militia in the United States. It provides that all the militia shall be equipped and armed with United States arms and equipment, and, moreover, that the apportionment of the million dollars annually appropriated shall not be made unless each of the militia organizations of the several States shall have performed at least five days' service in camp with troops and 24 drills in armory. Now, this of course is not sufficient to make a fully organized and well-drilled militia, but five days in the field and twenty-four



days in armory are certainly better than nothing, and a militia that has gone through this experience for some years will unquestionably be better than absolutely raw troops. Moreover, it provides for rifle practice, and this is a most excellent provision.

Sections 23 and 24, providing for the examination and the partial training of officers, and for the organization of a national volunteer reserve, are probably the best features of the bill. The officers provided for in section 23 must follow a course of instruction at schools designated by the War Department. They will associate with regulars; they will receive instruction from regulars; and having been instructed and having passed examinations, they will be placed upon lists from which they can be taken, in the order in which they have passed their examinations, to receive commissions in the volunteer service in case of war.

The national volunteer reserve provided for by the bill is what may be called "a third line of defense." It will consist of men who have been discharged from the regulars and from the volunteers, and may be drilled for ten days every year. It will certainly be fairly well drilled, and in case of war can in a very short time be knocked into shape as a passable volunteer force, and commanded by men who have received the rudiments of a military education. While, as I say, the bill is by no means perfect, while I should like to see the five days' service extended possibly to two or three weeks and made obligatory, this bill is at the same time a tremendous step in the right direction, and should be passed by the House of Representatives to-night. [Applause.]

Mr. STARK. I yield two minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I hold in my hand a statement of the appropriations which have been made this year, and also a comparative statement of appropriations made for several years back, which statement I desire to incorporate in the remarks that I am going to make.

The SPEAKER. Does the gentleman desire to have the statement read now?

Mr. HAY. No, sir; I desire leave to incorporate it in my remarks.

The SPEAKER. Without objection, the gentleman from Virginia will have that privilege.

There was no objection.

The statement is as follows:

*Appropriations of the Fifty-seventh Congress, first session.*

[Omitting hundreds.]

Urgent deficiency	\$20,384,000
Pension	199,842,000
Consular and diplomatic	1,958,000
Second urgent deficiency	193,000
Post-Office	133,472,000
Third urgent deficiency	75,000
Legislative, executive, and judicial	25,338,000
Ordinance and fortifications	7,299,000
Fourth urgent deficiency	178,000
Omnibus claims bill	1,640,000
Agricultural	5,210,000
Rivers and harbors	65,108,000
Omnibus public buildings bill	19,425,000
Indian	9,080,000
Sundry civil	60,125,000
District of Columbia	8,548,000
Military Academy	2,627,000
Panama canal (one year)	189,130,000
Army	91,530,000
Navy	78,681,000
General deficiency	8,250,000
Miscellaneous	2,250,000
Permanent appropriations	123,000,000
Total	998,403,000

COMPARISONS WITH THE PREVIOUS YEARS.

Comparisons with all previous years show the appropriations of this session to have been in excess of those in any previous session of Congress, and far in excess of all except the second session of the Fifty-fifth Congress, in which there was an extraordinary deficiency bill of nearly \$350,000,000, on account of the Spanish war. Leaving out this particular instance, the totals of recent years foot up in round numbers as follows:

For 1903, about	\$
For 1902, about	620,000,000
For 1901, about	610,000,000
For 1900, about	610,000,000
For 1899, about	450,000,000
For 1898, about	440,000,000
For 1897, about	430,000,000
For 1896, about	430,000,000

The pensions appropriations have remained practically stationary for some time past. In the present year's appropriations the consular and diplomatic bill, the legislative, executive, and judicial bill, the agricultural bill, and the District of Columbia bill all show considerable increases over last year and previous years, amounting on an average to one million or so apiece over last year's bills. The Military Academy bill has jumped up to about four times as much as it ever was before, and a great increase is seen in the sundry civil bill and in the rivers and harbors bill. Comparisons in regard to the sundry civil bill are as follows:

For 1903, about	\$80,000,000
For 1902, about	54,000,000
For 1901, about	49,000,000
For 1900, about	39,000,000
For 1899, about	34,000,000
For 1897, about	30,000,000

Comparisons in regard to rivers and harbors are as follows:

For 1903, about	\$65,000,000
For 1902, about	7,000,000
For 1901, about	16,000,000
For 1900, about	25,000,000
For 1899, about	15,000,000
For 1898, about	19,000,000
For 1897, about	16,000,000
For 1896, about	11,000,000

It will be seen that this year's river and harbor bill is nearly three times as large as the largest preceding river and harbor bill.

Comparisons as to the Navy bill also follow:

For 1903, about	\$79,000,000
For 1902, about	78,000,000
For 1901, about	61,000,000
For 1900, about	48,000,000
For 1899, about	56,000,000
For 1898, about	33,000,000
For 1897, about	30,000,000
For 1896, about	25,000,000

It will thus be seen that this year's naval bill is the largest on record; at least since the civil war.

The Army bill, while not as large as that of last year, is more than three times as large as in any year previous to the Spanish war and since the civil war.

Mr. HAY. I desire to call attention to the statement of the Secretary of War as to expenditures in the Philippine Islands. Fifty thousand soldiers have been kept in the Philippine Islands for each of the last three years.

It is also a well-known fact that each soldier costs \$1,500, which makes \$225,000,000 for the last three years for the soldiers kept there, besides the \$20,000,000 that we paid, making \$245,000,000 which has been spent. Add to this the \$170,000,000 reported by the Secretary of War. I also want to call attention in the very brief time I have to the fact that there are other expenses incident to our occupation of the Philippines which, together with those I have named, amount to \$500,000,000.

I want to call attention to a further fact, that by a recorded vote, and several recorded votes, in this House the Republicans have refused information upon all the different questions which we desire to know about as to the expenditures in those islands. I want further to call attention to the fact that we need light, and the people of this country need light, and more light, upon the different expenditures which this country has been put to on account of those islands, more particularly as to the expenses in Cuba, which have been by vote of this House smothered, so that no man in this country can tell how the money of this country or the money of Cuba has been spent during our occupation there. [Applause on the Democratic side.]

Mr. STARK. I yield the balance of my time to the gentleman from Alabama.

Mr. CLAYTON. Mr. Speaker, it is impossible in that length of time to point out the many defects and imperfections of this bill. Indeed, Mr. Speaker, in that length of time it is impossible to make a distinct and succinct statement of the provisions in this bill. It is impossible to review any one of the defects and shortcomings of this bill which the gentleman from New York, a friend of this measure, has admitted that it contains.

The House has not had any time for the proper consideration of this bill. Its merits may be told in glowing terms, but its demerits can not now, under the motion of the gentleman from Ohio [Mr. DICK], be pointed out. His motion cuts off proper consideration and limits debate to a few minutes, which is controlled by the friends of the measure.

But let me hurriedly read sections 23 and 24 of the bill. I have not had time to study them, for this bill has been called up in the closing hours of the session without having been considered in the Committee of the Whole, and it is sought to now rush it through without opportunity of amendment. Let me read sections 23 and 24.

Sec. 23. That for the purpose of securing a list of persons specially qualified to hold commissions in any volunteer force which may hereafter be called for and organized under the authority of Congress, other than a force composed of organized militia, the Secretary of War is authorized from time to time to convene boards of officers at suitable and convenient Army posts in different parts of the United States, who shall examine as to their qualifications for the command of troops or for the performance of staff duties all applicants who shall have served in the Regular Army of the United States, in any of the volunteer forces of the United States, or in the organized militia of any State or Territory or District of Columbia, or who, being a citizen of the United States, shall have attended or pursued a regular course of instruction in any military school or college of the United States Army, or shall have graduated from any educational institution to which an officer of the Army or Navy has been detailed as superintendent or professor pursuant to law after having creditably pursued the course of military instruction therein provided.

Such examinations shall be under rules and regulations prescribed by the Secretary of War, and shall be especially directed to ascertain the practical capacity of the applicant. The record of previous service of the applicant shall be considered as a part of the examination. Upon the conclusion of each examination the board shall certify to the War Department its judgment as to the fitness of the applicant, stating the office, if any, which it deems him qualified to fill, and, upon approval by the President, the names of the persons certified to be qualified shall be inscribed in a register to be kept in the War Department for that purpose.

The persons so certified and registered shall, subject to a physical examination at the time, constitute the eligible class for commissions pursuant to

such certificates in any volunteer force hereafter called for and organized under the authority of Congress, other than a force composed of organized militia: *Provided*, That no person shall be entitled to receive a commission as second lieutenant after he shall have passed the age of 30; as first lieutenant after he shall have passed the age of 35; as captain after he shall have passed the age of 40; as major after he shall have passed the age of 45; as lieutenant-colonel after he shall have passed the age of 50, or as colonel after he shall have passed the age of 55: *And provided further*, That such appointments shall be distributed proportionately, as near as may be, among the various States contributing such volunteer force: *And provided*, That the appointments in this section provided for shall not be deemed to include appointments to any office in any company, troop, battery, battalion, or regiment of the organized militia which volunteers as a body or the officers of which are appointed by the governor of a State or Territory.

SEC. 24. That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress, the Secretary of War is authorized to enroll not exceeding 100,000 men, who shall have served in the Regular or Volunteer armies of the United States or in the organized militia. Such reserve force shall be designated as the National Volunteer Reserve, and when called forth by the President shall serve wherever ordered, within or without the territory of the United States.

Such enrollment shall in each case continue for a period of five years, but in the event they shall be called into the service of the United States, other than for the purpose of drill, inspection, and instruction, they shall be entitled to be discharged at the close of the war or after nine months' service. The persons so enrolled shall report for drill, inspection, and instruction at such times and places to be specified and under rules and regulations to be prescribed by the Secretary of War, and each person so reporting shall, during the time of such service, be subject, as far as practicable, to the regulations and discipline governing the military establishment and shall be entitled to the same pay and allowances as are or may be provided by law for the Army of the United States, to be paid out of the appropriation for the pay of the Army, but in time of peace, except in case of threatened invasion, said National Volunteer Reserve shall not be required to perform military duty to exceed ten days in any one year.

Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, batteries, battalions, or regiments of the organized militia shall enlist in the Volunteer Army in bodies, such companies, troops, batteries, battalions, or regiments shall be received as the first organizations of such volunteer force. Whenever a volunteer force shall be called for by authority of Congress, exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist in bodies pursuant to the provisions of section 6 of the act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, the persons so enrolled as a reserve force of trained men, or so many thereof as shall be required, shall be organized in the manner provided for the organization of the volunteer force by section 12 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *Provided further*, That no person shall belong to both organizations at the same time.

Mr. Speaker, in connection with sections 23 and 24 of the bill, I desire to call attention to the title of this bill and its purposes, its alleged purposes. It is "To promote the efficiency of the militia, and for other purposes;" so says its title. Yet we find in sections 23 and 24 of the bill provisions entirely foreign to any militia bill that was ever drawn; and I think, Mr. Speaker, in the light of the Constitution they contain provisions inimical to that instrument and foreign to the constitutional idea of what shall constitute the militia. I call attention to this provision of the Constitution:

"The Congress shall have power \* \* \*

"16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

Now, an examination of section 23 discloses the fact that the appointment of these officers is taken away from the State authorities. An examination of section 24 discloses the fact that the Secretary of War is authorized to enroll not exceeding 100,000 men, who shall have served in the Regular Army or volunteer army of the United States or in the organized militia; and it also discloses that this new sort of an army—we have heard before of the Regular Army, of the volunteer army in the time of war, and of the militia, but here is a new kind of an army—the "national volunteer reserves"—and, in the discretion of the Secretary of War, it may contain 100,000 men, not to be officered by the State authorities, but to be officered on examinations by a board created by the Federal authorities.

I am opposed to this centralizing feature. Let us consider this bill and pass a measure that will aid the militia of the States, but not go to the extent of creating under the name of national volunteer reserve a standing army of 100,000 men, as the Secretary of War may determine.

Mr. Speaker, I do not believe we have the authority to engraft this provision on a militia law. But whether we have by a strained construction, and nobody can tell what strain the Constitution has to undergo in this day and time, nobody can tell how much the Supreme Court will say, "We feel compelled to yield something to the executive department." I believe that is about the language of one of the justices in a celebrated case.

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Mr. Speaker, I call your attention to the fact—

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. I want to make the point of order that the opponents of the measure have not been accorded any time at all. All the time has been given to the friends of the measure.

The SPEAKER. That should have been looked after when the second was ordered. The Chair is following the rule in these matters, and the point of order of the gentleman is overruled.

Mr. STARK. I hope the gentleman from Ohio will consume some of his time.

Mr. DICK. I yield to the gentleman from Pennsylvania.

Mr. ADAMS. Mr. Speaker, as one of the members of the National Guard of Pennsylvania, I am authorized by the adjutant-general of the National Guard of that State to inform the House that the provisions of this bill meet with the unqualified indorsement and hearty support of the officers and the 8,000 patriotic men who give their voluntary service to the National Guard of that State. Whatever State pride these men might have had in their individual organizations, they are willing to yield freely to this national scope for the second line of defense for the preservation and the safety of our country. [Applause.]

Mr. Chairman, there is one company of the National Guard of Pennsylvania to which I wish to refer especially. It is to preserve their rights and privileges that a paragraph has been inserted in this bill. The First Troop, Philadelphia City Cavalry, was organized in 1774 by a body of gentlemen of the city of Philadelphia, and offered their services to the Provisional Government. On the wall of their armory hangs the colors carried at the battles of Trenton and Princeton. In their archives is treasured the letter of Washington, whose bodyguard they were, thanking them for their tour of duty during the campaign in New Jersey. In the war of 1812 the troop participated in the battle on the Brandywine in Delaware. In the civil war they served in the first ninety days' campaign, when 75 per cent of the men returned as officers, many serving until the close of the war and attaining the rank of brigadier-general. In the late Spanish war the services of the troop were accepted, and they served in Porto Rico. Thus for a century and a quarter this body of gentlemen have ever been ready in a state of efficiency to respond to the call of their country, and this provision preserving their ancient privileges is a proper recognition by the National Legislature of their long and faithful service to their country.

The SPEAKER. The time of the gentleman has expired.

Mr. DICK. I yield three minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, the necessity for this measure or something of a similar nature is conceded by all who have given the matter any attention whatever, and the statement of Mr. DICK, chairman of the Militia Committee, that the existing law which it is now sought to supersede was enacted in 1792 and has remained virtually unchanged ever since, notwithstanding its requirements are obsolete and no attempts made at its enforcement, is an irrefutable argument in favor of this bill.

The late war with Spain demonstrated the importance of a uniform organization, armament, and discipline among our State militia or National Guard.

The purpose of this bill is to make the organization and armament of the National Guard of the several States identical with the Regular Army, and to increase its efficiency by providing for instruction and examination by officers of the Regular Army, and field maneuvers under service conditions either with or without regular troops.

As a member of the Militia Committee I would state that we invited the adjutant-generals of all the States to meet with us in conference either in person or by correspondence, and after carefully digesting and considering this bill copies of it were sent to the adjutant-generals of the various States and to prominent officers of the National Guard and also distributed through the Interstate National Guard Association to the officers of the militia organizations of the United States generally, inviting criticism and comment, and I can safely say that this bill represents the consensus of opinion and the mature judgment of the National Guard of the various States and meets with their approval generally.

As a lawmaker I am content to accept the commendation of the Father of our Country, President Washington, who, in his message to Congress in 1794, said:

The devising and establishing of a well-regulated militia would be a genuine source of legislative honor and a perfect title to public gratitude.

I trust this Congress may signalize itself by the passage of this bill and thereby earn the gratitude of the public. [Applause.]

Mr. GAINES of West Virginia. Mr. Speaker, the committee having charge of this bill found the militia laws of the United States in a state of great confusion. They were often contradictory and frequently obsolete. Nearly every President, from Washington to Roosevelt, has made a recommendation for improvement



in the militia law. In his message at the opening of the present session President Roosevelt said:

Our militia law is obsolete and worthless. The organization and armament of the National Guard of the several States \* \* \* should be made identical with those provided for the regular forces. The obligations and duties of the guard in time of war should be carefully defined. \* \* \* It is utterly impossible in the excitement and haste of impending war to do this satisfactorily if the arrangements have not been made long beforehand.

He also calls attention to the fact that when the Spanish-American war broke out the volunteer troops, being mainly from the National Guard of the several States, were supposed to be well equipped—which supposition was not realized.

That the existing law on this subject is entirely obsolete will appear from sections 1625 and 1628 of the Revised Statutes. A perusal of section 1625 will surprise most people of this country by informing them that every able-bodied citizen between the ages of 18 and 45 is, in contemplation of the law, a member of the militia. It reads as follows:

SEC. 1625. Every able-bodied male citizen of the respective States, resident therein, who is of the age of 18 years and under the age of 45 years, shall be enrolled in the militia.

Section 1628, which I shall insert in my remarks at this point, is not so alarming, but it is amusing and will be sufficient to prove to every member of this House that some new legislation on this subject is necessary. It reads:

SEC. 1628. Every citizen shall, after notice of his enrollment, be constantly provided with a good musket or firelock, of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than 24 cartridges suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot pouch, and powderhorn, 20 balls suited to the bore of his rifle, and a quarter of a pound of powder, and shall appear so armed, accoutered, and provided when called out to exercise or into service, except that when called out on company days to exercise only he may appear without knapsack; and all arms, ammunition, and accouterments so provided and required shall be held exempted from all suits, distresses, executions, or sales for debt or for the payment of taxes. Each commissioned officer shall be armed with a sword or hanger and spontoon.

In the short time allotted to me I can only call attention to the salient features of the bill. The object of the committee has been to modernize the organization of the National Guard and to bring its organization, armament, and discipline into complete harmony and accord with that of the Regular Army. Section 3 has reference principally to this and is as follows:

SEC. 3. That the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section 1661 of the Revised Statutes of the United States, as amended, whether known and designated as National Guard, militia, or otherwise, shall constitute the organized militia. The organization, armament, and discipline of the organized militia in the several States and Territories and in the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular and Volunteer armies of the United States: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps.

Section 4, which authorizes the President to call out the organized militia or National Guard for a period not exceeding nine months whenever he may deem it necessary to repel invasion, suppress rebellion, or enable him to execute the laws, makes the militia forces of the country, heretofore of too little value except for local police purposes, available for the national defense. Section 13 will perhaps be of more immediate interest to members of the militia of the country than any other section. While the section is long, its purport can be briefly stated. It provides that the militia shall be furnished by the United States Government with up-to-date guns and equipment. It appropriates money to provide the National Guard with "United States standard service magazine arms, with bayonets, bayonet scabbards, bullets, and such other necessary accouterments and equipments as are required for the Army of the United States."

These are supplied without charging the cost against the allotment of the States under the annual appropriation provided by section 1661 of the Revised Statutes. The equipment, of course, remains the property of the United States, available for use in time of war. The result of this will be that the United States will have in case of war a large number of modern magazine rifles, not rusting in storage, but in the hands of persons trained to use them. Section 15 provides for participation on the part of the National Guard, under certain conditions and restrictions, in the encampment, maneuvers, and field instruction of any part of the Regular Army at or near any military post.

The bill has also many other useful provisions. It is believed on the whole that the bill goes very far toward giving the country a complete up-to-date working law for the organization, equipment, drill, and government of the militia. In a letter to the chairman of the committee, dated March 18, 1902, Secretary Root says: "I have examined the measure with great care, and approve the wise and patriotic endeavors of the committee to frame an enactment which seems to me well calculated to accomplish the purpose set forth in its title." The committee, Mr. Speaker,

offers the bill to the House with a considerable degree of confidence that it merits the commendation so generously bestowed by the Secretary of War. [Applause.]

Mr. STARK. I now yield three minutes to my colleague, Mr. WILEY.

Mr. WILEY. Mr. Speaker, there are many things in this bill affecting materially the militia forces of the country, now characterized as the National Guard. The Army question is at rest, certainly for the present, and the problem confronting us, as lawmakers, is the necessity of systematizing, training, and regulating a reserve force to be used in time of war or whenever it is required to preserve the public peace.

The military organizations of the United States have probably never had a Commander in Chief from whom more could be expected, particularly by the State troops, than President Roosevelt. As a volunteer officer in the Spanish-American war he won imperishable honors at San Juan Hill. He thoroughly understands the question. Secretary Root's annual report outlined the policy of the Administration, and his recommendations were strongly indorsed by the President in his message to Congress.

Briefly stated, these recommendations look to the arming, equipment, and thorough reorganization of the National Guard or State troops in such manner that they shall be treated as a first or favored reserve, entitled to a preference in the manner of being called into the service of the United States, when occasion requires, in order to execute the laws of the Union, suppress insurrection, and repel invasion, or be in readiness beforehand to meet any threatened attack from any hostile source, whether at home or abroad; and, with this object in view, it is proposed that the term of service under any call shall be limited to nine months, except in case of the reserved force of trained men authorized to be organized under sections 23 and 24 of the act; that the National Guard shall join in annual encampments at national military camps with troops of the Regular Army; that Army officers shall be detailed for duty in each State; and that militia officers attending a military college shall be allowed travel pay, quarters, and the like.

The President, in his recent message to Congress, recommended the camping and maneuvering together of at least a division (about 9,000 men) of regulars with the same number of State troops, and that, whenever practicable, these troops should be embarked on transports in order to give the officers the necessary experience in the handling of such movements. The bill under consideration carries into operation and effect all these recommendations or suggestions.

The Government is expending about \$1,000,000 a year upon our State troops. They will now receive everything needed or useful in the way of arms, equipment, uniforms, tents, etc.; and the purpose of the bill is to see to it that they, both officers and men, do not lack for the best military instruction and discipline. Of course, they will still be in the service of the State, and only be subject to be "called forth" by the President in those contingencies and exigencies enumerated in the Federal Constitution.

The measure we are considering is entitled "A bill to promote the efficiency of the militia, and for other purposes." It comes to the House with the unanimous indorsement and support of every member of the Committee on Militia. The provisions of the bill, it seems to me, are eminently wise and beneficial. Under its operation the militia of the various States will be placed upon a practical and effective basis.

It is the most intelligent and satisfactory solution of the question of supporting the State troops and rendering them serviceable to the National Government in the event of war, or for executing the laws of the Union, suppressing insurrections, repelling invasion, or making preparation to resist threatened invasion, which has ever yet been presented in legislative form, so far as my experience and observation extend.

Most of the States need some such legislation for the reason that they are financially incapable of supporting their own troops in proper fashion, as is evidenced by the meager and reluctant appropriations made for military purposes during recent years, and it is but fair that the General Government, which is to be a beneficiary, should bear its proportionate share of the burden of sustaining these organizations.

And the time has arrived when we, in order to promote its efficiency, should systematize and reorganize the entire militia of the country. In my remarks on this occasion it is not my purpose to discuss the militia, in its widest sense, as including the whole military force of the nation. I shall confine myself to the great body of our citizens in the different States and Territories of the Union who, actuated by patriotic impulses, within certain ages, have been enrolled for instruction and discipline as a reserve force—not as a regular employment or occupation and not subject to be called into actual service, except in certain contingencies involving the common defense or general welfare of the Republic.

This militia, in its narrower sense, has been justly characterized as "the great bulwark of the public safety." The question of devising and establishing a well-regulated militia, and of bringing incongruous detachments of this body into an harmonious whole under some uniform system of organization, of inspiring them with military interest and of educating them in the performance of military duties so that they may be promptly and effectively employed in cases of domestic violence or national disaster, as designated in the Constitution, has engaged the attention of every President from George Washington down to Theodore Roosevelt.

In his message to Congress in 1795 President Washington said:

With the review of our Army establishment is naturally connected that of the militia. It will merit inquiry, what imperfections in the existing plan further experience may have unfolded. The subject is of so much moment, in my estimation, as to excite a constant solicitude that the consideration of it may be renewed until the greatest attainable perfection shall be accomplished. Time is wearing away some of the advantages for forwarding the object, while none better deserves the persevering attention of the public councils.

President Jefferson in 1808 said:

For a people who are free, and who mean to remain so, a well-organized and armed militia is their best security. It is therefore incumbent on us at every meeting to revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion. Some of the States have paid a laudable attention to this subject; but every degree of neglect is to be found among others.

Congress alone has power to produce a uniform state of preparation in this great organ of defense; the interest which they so deeply feel in their own and their country's security will present this as among the most important objects of their deliberations.

In the year 1825 President Adams, in the following eloquent words, also invited the attention of Congress to this important subject:

The organization of the militia is yet more indispensable to the liberties of the country. It is only by an effective militia that we can at once enjoy the repose of peace and bid defiance to foreign aggression. It is by the militia that we are constituted an armed nation, standing in perpetual panoply of defense, in the presence of all the other nations of the earth. To this end it would be necessary so to shape its organization as to give it a more united and active energy.

Ten years later President Jackson, in asking Congressional consideration of this matter, employed this strong language:

Occurrences to which we, as well as other nations, are liable, both in our internal and external relations, point to the necessity of an efficient organization of the militia. I am again induced by the importance of the subject to bring it to your attention. To suppress domestic violence and to repel foreign invasion, should these calamities overtake us, we must rely in the first instance in the great body of the community whose will has instituted and whose power must support the Government.

President Van Buren in 1837 said:

It is not, however, compatible with the interests of the people to maintain, in time of peace, a regular force adequate to the defense of our extensive frontiers. In periods of danger and alarm we must rely principally upon a well-organized militia, and some general arrangement that will render this description of force more efficient has long been a subject of anxious solicitude. It was recommended to the first Congress by General Washington and has since been frequently brought to your notice, and recently its importance strongly urged by my immediate predecessor.

These extracts from the messages of these patriotic Chief Magistrates, and many others which I might quote (except in so doing I might run the risk of trespassing upon the time and indulgence of the House), show clearly that it was the object and desire of our revolutionary forefathers to rely for purposes of home protection and the execution of the laws of the land almost exclusively upon the militia forces of the Union.

Generally speaking, we do not fully appreciate the importance of properly maintaining in each State an organized and disciplined body of troops, ready for actual service in those emergencies for which provision is made in the constitutions of most, if not all, of the States of the Union. The expense of keeping up an organization is but "dust in the balance"—a mere trifle in comparison with the great benefits to be derived from such an institution. In many of the monarchies of the Old World the masses are tax ridden and impoverished in order to maintain immense standing armies.

It is always well in peace to prepare for war; but preparation on a large scale costs more than its advantages are worth when it is made at the expense of a nation's strength by exhaustion in bearing arms, by withdrawing permanently vast numbers of men from the daily walks and busy pursuits of life, by retiring them from those vocations and employments which tend to enrich a State, and by making them "drones in the hive" instead of being the prop and support, the stay and hope, for the preservation of civil liberty and the law of the land, as well as for the maintenance of those dependent upon them by the ties of blood or the bonds of affection.

In this respect the wisdom of our forefathers was strikingly manifest. They deprecated a large standing army in the "piping times" of peace. They trusted to the conservatism and patriotism of the people. They relied for national defense upon an able-bodied militia, organized for military service and re-

quired by law to attend military exercises on designated days, in preference to regular troops whose sole occupation was war, either offensive or defensive.

Too much can not be said in commendation of the citizen soldiery of our country. In each State they stand for home and rooftrees, for hearthstone and fireside. They stand as a shining exponent of the dignity, majesty, power, and glory of a State—of a federation of sovereign States. They stand to uphold the strong right arm of constituted authority; to preserve the peace and to enforce the law. The great Washington declared that the laws of our country are above the sword.

Our State militia, now commonly known as the National Guard, recognize the truth of the declaration and act upon it, that the law of the land, save in time of actual war, is the commanding general of armed men. The constitution of every State in the Union requires the governor to see to it that the public peace is preserved. The militia conserves that laudable purpose.

The rigors of winter, the scorching heats of summer, the dust and fatigue of the long march, the burdens and privations of the camp—all these sacrifices and more they cheerfully endure, and if need be they are willing to lay down their lives in order to maintain the honor, preserve the peace, and enforce the laws not only of a particular Commonwealth, but of the nation as well; to take the mob by the throat and to protect, at all hazards, life, liberty, and property, without reference to race or creed, and no matter what may be the social, civil, religious, or political standing of those whose safety is intrusted to their keeping. [Applause.]

There seems to be much confusion and misunderstanding on the part of the public generally, even among some of our best-informed fellow-citizens, as to the right and authority of the President at any time, in any contingency, or for any purpose to avail himself of the services of the militia forces of the different States when the peace of the country has been broken or disturbed or an invasion is threatened. The Federal Constitution makes this question very plain.

That instrument of our organic law contains the clear ringing declaration that Congress shall have power to provide for "calling forth" the militia in order "to execute the laws of the Union, to suppress insurrection, and to repel invasion." And as far back as the year 1827, when the great John Marshall was Chief Justice of the Supreme Court of the United States, this provision of the Constitution underwent a review by that lofty tribunal in the celebrated case of *Martin v. Mott*, reported in 12 Wheaton, beginning on page 19 of that volume.

Judge Story, whose legal learning has ornamented the jurisprudence of this continent, delivered the unanimous opinion of this court. This decision is "lucidity crystallized." In this leading case, involving, as it does, the question of the authority of the Chief Executive of the Republic over the militia organizations of the country, in all their protean shapes and forms, it was expressly held that Congress may not only lawfully provide for the execution of the laws of the land and for the suppression of insurrections, but may also "provide for cases of imminent danger of invasion, as well as for cases where an invasion has actually taken place, and that the power to repel invasion includes the power to provide against the danger of invasion;" hence, upon the principle of "forewarned, forearmed," is the necessity to prepare in advance needed and adequate methods "to effectuate the object in view;" that one of the best means of repelling invasion is to have in readiness the requisite force for action "before the invader himself has reached our soil;" that the President of the United States is the exclusive judge as to whether or not the exigencies designated by the Constitution have arisen, in which he is empowered to call into service the militia of the different States and Territories, and that his decision, when once reached on the subject, is absolute, final, and conclusive.

The facts of this case (*Martin v. Mott*, supra) are interesting and peculiar. During the war of 1812 Governor Tompkins, of New York, upon the requisition of President Madison (a Southern man, himself a native of Virginia), ordered certain portions of the militia of New York State "to be detailed into the service of the United States of America." One Jacob E. Mott, being a private in a militia company and liable to do military service in that capacity, refused to rendezvous and enter into the service of the United States in obedience to this command. As a result he was regularly court-martialed, "found guilty of delinquency, and fined \$96."

Failing to pay the fine, he was sentenced to twelve months' imprisonment. A certificate of the finding of the general court-martial having issued and been placed into the hands of one Martin, as deputy sheriff, he proceeded to execute the same by taking certain goods belonging to Mott. As a result of this seizure under this character of process, Mott instituted against Martin in one of the courts in New York State an action of replevin to recover the chattels so taken and withheld from him.



In discussing the facts of the case as thus presented the Supreme Court of the United States, amongst other things, say:

A free people are naturally jealous of the exercise of military power, and the power to call the militia into actual service is certainly felt to be of no ordinary magnitude. It is not a power which can be executed without a correspondent responsibility. We are all of the opinion that the authority to decide whether the exigency has arisen belongs exclusively to the President and that his decision is conclusive upon all persons.

The power itself is to be exercised upon certain emergencies, upon great occasions of state, and under circumstances which may be vital to the existence of the Union. A prompt and unhesitating obedience to orders is indispensable to the complete attainment of the object. The service is a military service, and the command of a military nature, and in such cases every delay and every obstacle to an efficient and immediate compliance necessarily tend to jeopardize the public interests.

While subordinate officers or soldiers are pausing to consider whether they ought to obey, or are scrupulously weighing the evidence of the facts upon which the commander in chief exercises the right to demand their services, the hostile enterprise may be accomplished without the means of resistance. If the power of regulating the militia and of commanding its services in time of insurrection and invasion (or executing the laws of the Union) are natural incidents to the duties of superintending the common defense and of watching over the internal peace of the Confederacy, these powers must be construed as to the modes of their exercise so as not to defeat the great end in view.

If a superior officer has the right to contest the orders of the President upon his own doubts as to the exigency having arisen, it must be equally the right of every inferior officer and soldier.

The power itself is confided to the Executive of the Union; to him who is by the Constitution the Commander in Chief, when called into the actual service of the United States; whose duty it is to take care that the laws be faithfully executed, and whose responsibility for an honest discharge of his official obligations is secured by the highest sanction. He is necessarily constituted the judge of the existence of the exigency in the first instance, and is bound to act according to his belief of the facts.

If he does so act, and decides to call forth the militia, his orders for this purpose are in strict conformity with the provisions of the law; and it would seem to follow as a necessary consequence that every act done by a subordinate officer, in obedience to such orders, is equally justifiable. The law contemplates that, under such circumstances, orders shall be given to carry the power into effect; and it can not, therefore, be a correct inference that any other person has a right to disobey them. The law does not provide any appeal from the judgment of the President or for any right in subordinate officers to review his decision and in effect defeat it.

This is one of the ablest opinions of one of the greatest judges who ever sat upon the Supreme Court bench of the United States. It sounds as though the voice of divine wisdom dictated while the hand of inspired patriotism penned the words.

We must not forget the important fact that our militia forces have a dual capacity. The State and general governments have concurrent jurisdiction and control over them; that is to say, the governor of a particular State and the President of the United States, within their respective spheres, have each authority to call out the militia to meet those exigencies for which provision is made in both the State and Federal constitutions, but whenever the President has once acted in the premises his decision must be taken as absolutely conclusive that a necessity has arisen which, in his judgment and discretion, requires the exercise of the superior constitutional authority of the General Government.

Whenever the body of the militia has once entered into the service of the United States the Federal command over them is exclusive and paramount. The framers of our organic law intended that harmony should characterize the combined actions of both State and National governments. And I want to say in this connection, that the bill under consideration does not seek to confer upon the President one iota more of authority than that which he already possesses under the Constitution.

It follows, therefore, as a necessary corollary, that Congress, under constitutional sanction, has authority to make appropriations for drilling, arming, equipping, disciplining, and controlling the militia forces of the different States of the Union so as to render them an efficient arm of the military service. The Regular Army of the United States numbers at this time about 65,000 men. It may be increased to 100,000 men.

For the first time in the history of the Republic our Regular Army is required to be employed in foreign service; that is to say, outside the limits of the United States. All of us, both Democrats and Republicans alike, profess an earnest desire that there shall be no occasion to enlist the remaining 35,000 soldiers (authorized by law to be recruited) by calling them into service; and yet it is manifest that unless we make ample provision to render our militia efficient for home protection, and in order to enable us to defend our vast seacoast lines and extensive frontiers against invasion, actual or threatened, as well as to meet those exigencies provided by the Federal Constitution, it follows, necessarily, that our standing army will have to be increased to its maximum limit.

And in taking these matters under consideration we must bear in mind the fact that while our militia can be utilized at home and are subject to the President's mandate or requisition in any State or Territory of the Union, they can not be employed in foreign service; can not be used to invade the territory of a neighboring country; can not enforce any public rights abroad, and can not engage in offensive warfare outside the limits of the United States.

I have heard some criticism of sections 23 and 24 of the bill, which make provision for a national volunteer reserve not to exceed 100,000 men, but manifestly those who criticize are misinformed. These sections stipulate that the officers and regiments of this reserved force shall be equitably apportioned amongst the different States and Territories, and they shall bear the name of the particular State or Territory within whose limits, respectively, they were organized.

You will recall that the volunteer regiments organized under the act of Congress to serve for two years in the Philippine Islands were numbered as United States Volunteers and were not recognized in any sense as State troops. These sections are intended to prevent a repetition of that very thing by allowing to each State and Territory its proper quota of officers and enlisted men, whose commands shall be numbered by and in the names of the various States or Territories, precisely as was done in the case with the different regiments in both armies during the great civil war.

Those Democrats, therefore, who may be inclined to criticize these sections just referred to either do not know or forget the fact that they are in harmony and accord with the Democratic national platform adopted at Kansas City in 1900. The plank on that subject is as follows:

In the time of danger the volunteer soldier is his country's best defender. The National Guard of the United States should ever be cherished in the patriotic hearts of a free people. Such organizations are ever an element of strength and safety. For the first time in our history and coeval with the Philippine conquest has there been a departure from time-honored and approved system of volunteer organization.

In the light of this clear ringing party declaration it is difficult to find any good or sufficient reason justifying any opposition to this measure, particularly on the part of those members who prefer to rely for our national defense upon the militia forces of the country rather than upon the troops of a regular army. One or the other we must have, and you are now given an opportunity to make your choice.

The great Webster on one occasion, in answering a comment made by a European minister as to the fierceness of our divisional and partisan quarrels, said: "They all cease at the water's edge." Whatever sectional differences as to internal policies may exist among us, we will all stand together in defense of the Union, and in the event this nation should ever be assailed by a foreign power we would be in condition and position immediately to marshal a mighty army and to concentrate vast munitions of war.

Our rivers, railroads, turnpikes, and canals are magnificent fortresses. They would enable us quickly to mobilize at a given point large bodies of men and to collect at a common center abundant supplies to feed them. In this way and by these means we could anticipate an invasion and precipitate an overwhelming force against the most powerful army our enemies could send to fight us. With officers to command and discipline them, raw troops are readily made available. History abounds with evidence that military knowledge or skill can act efficiently with irregular soldiers. It was chiefly with men of short military experience that Napoleon won the victories of Marengo, Lutzen, Bantzen, and other triumphs which followed close upon the Russian campaign of 1812.

Should the exigency of war arise in this country, the rank and file of our militia companies, together with the educated young men going out of our military colleges, would furnish enough officers, skilled, drilled, and disciplined, to instruct and command an immense body of raw troops. Thus the strength of the nation would be rendered speedily available, and this Government, in addition to her Army and Navy, would have at all times a reserve force which could be readily utilized, and thus she would be invincible against the combined power of the armed phalanxes of the world.

In the war between the States our splendid volunteer armies on both sides were recruited mainly from the people in the ordinary business walks of life—from those who were subject to be called into the militia service of the country. The heroism of these men; their valor, fidelity, and self-devotion; their courage in battle; their patience under trial, and their fortitude under suffering, whether they wore the blue or donned the gray, are the common heritage of the nation's glory.

You will pardon me, I am sure, for saying I had occasion, while serving an enlistment of several months in Cuba during the Spanish-American war, to observe the conduct of the volunteer soldier, who, after all, was nothing more nor less than a militiaman; and it is my deliberate judgment that, taken all in all, no better soldier ever carried a sword or shouldered a musket. In an incredibly short period of time the militia of the different States, numbering about 200,000 strong, were mobilized and rendered immediately available for military service.

In order that they might be constitutionally employed outside the limits of the United States, they were promptly converted by a sort of legal or political legerdemain into volunteer soldiers;

and what a magnificent body of men they were, wearing the regulation blue, feeling the elbow touch, and keeping a quick step to the blended and inspiring music of Yankee Doodle and Dixie, while they fought together under the folds of "Old Glory" to defend the flag and maintain the nation's honor at home and abroad!

My heart thrills with patriotic pride and pleasure whenever I pause to think of those brave and loyal men, animated by the same impulse, coming together from all sections of our common country—North, South, East, and West—ready to die "upon the perilous edge of battle" in defense of justice, liberty, and right.

The volunteers who went to Santiago de Cuba in the summer of 1898 to relieve General Shafter's army and faced the pestilence that walked in darkness in a plague-stricken land, without a murmur or complaint, were no less heroes than the "regulars" who faced Mauser rifles at El Caney and San Juan Hill.

And the same thing is true of the militia—the volunteers—who served in the other provinces of Cuba and did garrison duty in preserving the public peace and in bringing order out of chaos. Every American citizen whose soul is not dead to every generous emotion can not help feeling a sentiment of admiration at the magnificent conduct of the militia volunteers in Cuba, Porto Rico, and in the Philippine Archipelago. All honor to these noble men!

In the summer of 1898, President McKinley, that great and good man, that golden-hearted gentleman, in declining an invitation of General Breckinridge to review the troops at Chickamauga, took occasion, in speaking of these volunteers, to declare:

The highest tribute that can be paid to the soldier is to say he performed his full duty. The field of duty is determined by his Government; and wherever that chance to be is the place of honor. All have helped in the great cause, whether in camp or battle; and when peace comes, all alike will be entitled to the nation's gratitude. In this respect the volunteers will be like regulars, who do the duty assigned them, whether in peace or war, leaving the Government to determine what that duty shall be.

Although suggestions looking in that direction have been made, the indications are that our standing Army, as at present constituted, will not, in my opinion, be reduced for many years to come—certainly not unless this bill becomes a law. That question, therefore, is at rest. The Regular Army of the United States before the Spanish-American war consisted of about 25,000 men; yet the American Union continued the most liberty-loving, law-respecting, and law-enforcing Government which human genius had ever created in the history of the human race.

Conditions have changed. A new era in national affairs has been ushered in for our consideration and adjustment. In the nature of things a mighty responsibility is imposed upon this Government. We can not shirk our duty. We have assumed treaty obligations which we can not evade. We must give to the recently liberated Spanish colonies the needed help, without which they must inevitably go the downward road to ruin and death. It is manifest, therefore, that the bulk of the Regular Army will be needed for foreign service, and the militia forces, by whatever name called, will have abundant and important duties to perform at home.

We are confronted by a condition, not a theory. The prophesy of the Bible seems to have been fulfilled. Our vine has run over the farthest hill and our branches have extended beyond the uttermost wall. It is no longer a question of expansion. We have already expanded. It may become a question of restriction or confinement within narrower bounds, but how or when this process of contraction is to begin, or in what manner or at what time it is to be accomplished, no man not gifted with divine inspiration can safely venture to predict.

There can be no doubt that this nation may extend help, advice, and protection to such foreign lands as have passed under our flag and aid in the development of native governments of their own people, as well as exercise a temporary or permanent guidance, tutelage, or control over them. I think we are quite able to take care of ourselves, and will keep a free hand in dealing with them.

We may hold them as territories; we may protect them in semi-autonomy; we may in time, if we deem it wise or politic, set them up in entire independence, or we may even dispose of our interest in them to some other power. To deny our freedom and competency to do any or all of these things is to affirm that we are not a sovereign nation.

Do not misunderstand me. I am not discussing the wisdom or unwisdom of the national policy in reference to our insular possessions. It may be that this policy, on the one hand, will cause us to become a great world power and result in removing the tariff walls which stand frowningly around our seaports, and in completing an isthmian canal, by which the route of commerce from the Orient will be shortened about 8,000 miles, as well as opening the markets of those Eastern and tropical lands to our surplus cotton, grain, lumber, coal, iron, and other commodities grown or manufactured in the United States.

It may mean that we are no longer to be a "pent-up Utica;" that our merchant vessels, laden with the richest productions of the far-distant East, coming through the Caribbean Sea and across the Gulf of Mexico, will touch at all our ports and lay these marvelous treasures down at our feet or pour them out lavishly into our laps, in exchange for the products of our fields, forests, mines, furnaces, and factories; or, on the other hand, it may result disastrously to us by involving us in "entangling alliances" with foreign nations, and in weakening our internal strength by extending our commercial empire.

It may be, as Goldsmith has forcibly expressed it, that "too much commerce may injure a nation as well as too little; and that there is a difference between a conquering and a flourishing empire;" but, however these things may be, it is manifest that during the interim and pending a satisfactory adjustment of these vital and important questions of governmental expediency and policy, our standing army must and will be employed abroad, and the Government will be compelled either to increase to its full maximum the Regular Army for purposes of home protection, or else Congress must make suitable provision, as contemplated by the Federal Constitution, to render the National Guard a useful auxiliary to the Army—a reserve force to be used in the emergencies I have already mentioned.

Under these circumstances (for I desire to impress upon your minds this significant truth) you will pardon me for reiterating the fact that the National Guard will be needed for home purposes—to preserve the public peace, to enforce order, and to execute the laws of the land.

The Government ought not therefore to hesitate to make ample provision to clothe, feed, shelter, arm, and equip these citizen-soldiers; to select suitable and healthy camps of instruction for them; to furnish skilled and capable officers to drill and command them; to stimulate their patriotism; to encourage discipline, and foster a proper esprit de corps among them; to elevate and dignify these organizations; and, in short, to do everything in its power to render them an efficient arm of the nation's military establishment.

Peace is a blessing earnestly to be coveted. On the other hand, war is a fearful evil. In itself a scourge, it may, nevertheless, become a means of purifying and exalting the public spirit and of bringing a nation up to the fullest consciousness and comprehension of its real historic destiny. It develops the strongest elements of national character—the moral as well as physical resources of a people. It reveals the great objects and ends of national life—its heaven-appointed mission.

War, then, in the language of Bacon, "becomes the highest trial of right." It is not always an unmixt evil. It may and does become "the purchase price of a lasting and righteous peace." How true it is—

God moves in a mysterious way  
His wonders to perform—  
He plants his foot upon the sea  
And rides upon the storm.

The palladium of liberty is in the hearts of the people. Let the world know that we intrust our safety to the honest yeomanry of this fair land—a well-organized, patriotic militia. It will attract the popular thought and fasten it to the inspiring ideal of a common country, in which the people rule, and from whom all authority is derived. Our "Government of the people, for the people and by the people," is to-day the shining exponent of civil liberty to all the struggling and oppressed nations of the earth, a radiant representative of that liberty which was won by the valor and is preserved by the genius of Anglo-Saxon manhood.

This steadfast and dominant idea—the liberty of the citizen—has given direction to the very life of the Republic, to the form and substance of its civilization; and has proven the most potential factor, the most efficient minister, in our material progress and national exaltation. There breathes to-day throughout these united sovereignties a broad, catholic spirit, not only of defense, but of growth and development also. There is no purpose or desire to disturb the separate rights of the States. They must and will remain forever inviolate and inviolable.

Home rule and local self-government are just as vital and essential to-day as they were in 1860; but we want and must have the realization of a Union whose definite aim is to protect the citizen at home and abroad, to keep untarnished the faith and credit of the nation, to maintain the Constitution, and defend the flag.

There resides in the Federal Government at Washington the obligation and the duty to spend the last dollar in the Treasury and to enlist every available man in the nation, not for conquest, but in defense of popular rights and constitutional liberty. In the eloquent words of another, "The old flag still lives; the stars are there, the stains have gone."

We live under one Constitution, are inspired by one hope, are linked in one destiny, and have but one flag—the Star Spangled Banner.



Long may that glorious ensign wave "over the land of the free and the home of the brave"—the standard of a Republic, the proudest and grandest the world ever saw.

One heart, one hand,  
One flag, one land,  
Our country evermore.

[Loud applause.]

Mr. STARK. I now yield five minutes to my colleague on the committee, the gentleman from Massachusetts [Mr. CONRY].

Mr. CONRY. Mr. Speaker, the Committee on the Militia, of which I have the honor to be junior member, have spent many weeks of arduous labor in compiling the various laws passed by the Congress of the United States since 1792 for the government of the militia. In the performance of their duty they called to their assistance the recognized authorities on the operations of the militia and the National Guard of the several States during the past one hundred years. As a member of that committee, I join most heartily with my associates in submitting a unanimous report. As one who has had a limited experience in the militia of his own State, I join most heartily in making this unanimous report. And, Mr. Speaker and gentlemen on this side of the House, as one who has never believed in the existence of a large standing army, but who believes with Jefferson that for a people who are free and who mean to remain so, a well-organized militia is their best security, I believe in perfecting the National Guard and the State militia, and therefore join most heartily in making this unanimous report.

This report, Mr. Speaker and gentlemen, brings the obsolete, antiquated militia law of the United States down to a scientific, systematic basis. It gives us a modern militia law which will secure to the United States an efficient auxiliary to the Regular Army. It gives to us what we have never had during the past one hundred years—a body of over 100,000 well-equipped, well-disciplined, well-instructed men, who may be called into service on twenty-four hours' notice and report in fit condition for soldier duty. This bill takes no power, no authority, ever enjoyed by any of the States away from the States. It gives to the authorities in Washington no power or authority which they have not enjoyed hitherto under the Constitution. It is merely a perfecting work.

Since the earliest days a large standing army in the grasp of an unscrupulous Executive has been considered a menace to the safety of a popular government, so a contrary principle was established, and the Constitution of the United States (amended in 1789) made to declare that "a well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

In 1792 the present militia law was adopted. It made compulsory the enrollment and the performance of military duty on the part of every able-bodied citizen between the ages of 18 and 45; that he shall "be constantly provided with a good musket or firelock of a bore sufficient for balls the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints and a knapsack, a pouch with a box therein to contain not less than 24 cartridges," or a "good rifle, knapsack, shot pouch and powder horn, 20 balls, and a quarter pound of powder," and that "each commissioned officer shall be armed with a sword or hanger and spontoon."

It is very gratifying to me as a member of the committee to have secured the adoption of an amendment to the bill as originally reported protecting the militia companies of Massachusetts organized prior to 1792 in all their original rights, privileges, and immunities.

The First Corps of Cadets, of Boston; the Second Corps of Cadets, of Salem, and the Ancient and Honorable Artillery Company, of Boston, together with many other military companies outside Massachusetts, have joined in recommending the following paragraph as an amendment to the bill originally reported:

And provided further, That any corps of artillery, cavalry, and infantry existing in any State at the passage of the act of May 8, 1792, which, by the laws, customs, or usages of said State have been in continuous existence since the passage of said act under its provisions and under the provisions of section 232 and sections 1623 to 1630, both inclusive, of title 16 of the Revised Statutes of the United States relating to the militia, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law in like manner as the other militia.

We in Massachusetts have a profound admiration for our volunteer militia. That there is good reason for this admiration and that our troops deserve well at our hands may be seen from the report made by Maj. Marcus P. Miller, Fifth Artillery, who inspected the First Corps of Cadets in camp at Hingham in 1892.

We are willing that Major Miller's judgment of the First Corps of Cadets should stand as an estimate of the true value of the Massachusetts Volunteer Militia.

[Extracts from the reports of United States Army officers detailed to inspect camps of Massachusetts Volunteer Militia, 1892.]

MAJ. MARCUS P. MILLER, FIFTH ARTILLERY.

These troops have a historical record, the first organization having been raised in 1741 as the bodyguard to the colonial governor of Massachusetts

Bay Colony. Since then it has undergone changes in name and organization. The corps as established under State government in 1786 possessed certain unusual privileges, viz: First, of being the guard of honor to the governor; second, that it could not be attached to the command of any officer below the rank of major-general; third, its officers held peculiar rank. These privileges were placed under the protection of an act of Congress passed May 8, 1792. This protection is shared also by the Second Corps of Cadets.

In company with the adjutant-general of the State, I joined the corps at the Old Colony depot, Boston, about 3 o'clock p. m. July 9, and found it being loaded into cars for transportation to its camp at Hingham, Mass., under command of its regular commandant. Upon arriving at the railway station at Hingham, the troops were soon unloaded, the battalion formed without confusion or talk, and marched directly to camp, where line was formed on the parade and the companies dismissed, going to their streets, and on breaking ranks, carried their baggage to their tents. The first call for guard mounting was soon sounded, the guard details assembled and guard mounting held immediately, and, at inspection and muster soon after, the regular routine of duty commenced.

Soon after arriving I accompanied the commandant to visit the mess rooms, officers' and men's sinks, bathrooms, storerooms, and examined the drainage and police of camp.

The camp ground and buildings, in nearly all respects, were the same as described in Capt. H. M. Kendall's report of last year, except that 9 acres of land had been purchased and added to the grounds during the past year, which, with the other original grounds, gives ample room for all close-order drills.

Administration was conducted in conformity with the laws of the State, the standing orders of the commander in chief and the standing orders of the commandant. The latter are published in book form, and give full regulations, explaining the duties of all officers, noncommissioned officers, and men; how members may be admitted into the corps, how enlistments are made, records kept, guard mounting and guard duty should be performed, roll calls executed; and calls attention to the various matters of discipline, the care of property, saluting, and the necessity of courtesy among military men.

I noticed one special matter required in this corps—that candidates for enlistment have to be examined by a medical officer—not required in the other commands. (Since made obligatory throughout the militia.)

The order of routine duty gave hours of call for the following duties (naming them):

Reveille (roll call).....	6 a. m.
Surgeon's call.....	6.45 a. m.
Breakfast.....	7 a. m.
First sergeant's call.....	8 a. m.
Guard mounting.....	8.15 a. m.
Fatigue (immediately after guard mounting).....	
Drill (company).....	9.30 a. m.
Recall.....	10.30 a. m.
Rifle practice.....	11 a. m.
Dinner.....	1 p. m.
First sergeant's call.....	3.45 p. m.
Drill (battalion).....	4 p. m.
Recall.....	5 p. m.
Inspection and muster.....	5.30 p. m.
Dress parade and retreat (roll call).....	6 p. m.
Supper.....	7 p. m.
Evening band practice.....	8 to 9.45 p. m.
Tattoo (roll call).....	10.30 p. m.
Taps.....	11 p. m.

The roll call was attended by an officer, and was required to be promptly made, time allowed for formation being five seconds, and silence imposed.

The whole command was turned out for fatigue, and the whole ground gone over, each company having its particular part to look over. \* \* \* It was exceedingly well done.

There were two drills a day, and target practice immediately after the close of morning drill.

At fatigue call every man was expected to repair to his tent, which was immediately put in order and an inspection made of them, including those of the band, by the officer of the day, a company officer being present. No useless articles were allowed in the tents, the contents being the gun racks, muskets and belts, equipments and camp chairs. \* The bedding was removed every morning after reveille, and placed in one company tent; once in order, the tents were required to be kept in order throughout the day.

Inspection under arms in the evening, after which the troops were mustered by the paymaster. Each captain was sworn to the fact that the men answering to their names were the identical persons whose names were borne and answered to on the muster rolls.

The new infantry tactics had been adopted, and the officers and men practically had to unlearn the old and enter upon a new system, always more or less perplexing. In the morning drill, movements of the company drill proper were executed, also parts of the open-order drill of a company, such as forming line of squads, deploying as skirmishers, marching in both these formations, also the firings. The afternoon drills were devoted to battalion drill proper. The officers were competent, knew the principles of the new drill, and were zealous in their instruction; the men were intelligent and had but little trouble in accomplishing the movements and exercise in good style.

Great attention was paid to the instruction of sentinels and guard duty generally. Every one of the guard was supplied with a printed copy of instructions on guard duty. I inspected the sentinels on post after challenging commenced, and heard others questioned at the guardhouse and found them well informed.

Discipline was absolutely perfect. Official respect and courtesy at all times existed among the officers, also from the men to the officers. Sentinels walked post in a military manner. Camp was quiet at night after taps, and immediate obedience of the junior to the senior was a pleasure. The camp was evidently one of business.

I attended the review of the troops by the governor, which was very excellent. The men marched in the free and easy manner contemplated by the new tactics, kept good dress, distance, and performed the turn and forward movement well, and presented a fine military appearance.

And in conclusion, Mr. Speaker, as one who remembers the appearance of our militia when called into camp in the summer of 1898, the crude appearance of many militia regiments at Chickamauga and Camp Alger, I most sincerely appeal to the gentlemen on this side of the Chamber—from whom I observe the only opposition to the bill has come—to understand that in the passage of this bill we are standing firmly for the rights of the people in

\* Stools.

5.30 p. m.

their several States, and in addition we are contributing materially to the actual practical fighting force of the United States. [Applause.]

And speaking on the subject of militia, brings me to a consideration of another bill of kindred nature now pending in Congress, regarding the construction of war vessels in the navy-yards of the United States.

I am heartily in favor of the proposition to build the war vessels of the United States in the Government navy-yards, both as a matter of business and as a matter of patriotic sentiment.

The building of a war vessel has become an exact, definite science, far removed from the realms of speculation, no more guessing, nothing improbable, but every detail and particular of the business thoroughly known and well worked out in advance. Every ship that has ever been constructed for the American Navy has been under the skillful eye of the naval constructor and made according to plans with which he was intimately acquainted.

All the parts, boilers, engines, machinery, hull plates, every rivet, bolt, bar, and block, all that goes to make up a complete piece of seagoing fighting apparatus, all is calculated to a nicety from the moment the plans are started until the fighting tops are finished.

I sincerely trust the conferees on the naval appropriation bill will insist on the adoption of the amendment to the House bill which provides for the construction of war ships in Government yards. And furthermore I trust that the Charlestown Navy-Yard will be fortunate enough to get one of the vessels to build and have a chance to show to all the world what New England brawn and brain can do.

I believe I speak with the full approval and perfect confidence of both sides of the House when I say that Mr. Moody, the Secretary of the Navy, can be depended on, in case the construction of ships in Government yards is authorized, to have this work done where the yards are in the best condition and where the best results will be obtained.

Among the leaders of this House he easily took rank while a member from Massachusetts by the force and breadth of his intellect, displaying a mind of marvelous strength, clearness, and power of logical application. To this man we can safely commit this great innovation which may revolutionize the industry of upbuilding the American Navy, with the firm conviction that the experiment will be conducted to a successful conclusion and to the industrial welfare of thousands of American mechanics.

The price of material and parts being so well known, we are justified in starting in at once to build ships in our own yards and learn by actual experience precisely what the facts are and what objections, if any, exist to our doing our own work for the benefit of the people rather than for the profit of contractors.

The question of the cost of constructing ships in private and Government yards has long been a mooted one. A settlement of the question to my mind seems at hand. It is proposed to build sister ships at the same time and under exactly the same conditions—one to be built in a Government yard and the other to be constructed by the contract system. No two large ships have ever been constructed under such conditions, and this is the only absolute solution of the question, as it is impossible to exactly calculate the comparative cost of any two ships unless the work is carried on at the same time, when prices and other conditions are similar.

But, pending this, Mr. Speaker, we must look at the matter theoretically. It being well understood what the different parts of a ship will cost, nothing remains for calculation on the part of our naval constructor except the question of labor.

As is well known, eight hours constitutes a day's labor in the Government yards, and incidentally I may say I believe eight hours is long enough for any man to labor, particularly in the heavier branches of work; however, in most of the iron-working industries the nine-hour day prevails. But this is no argument why the Government should not lessen the hours of labor. It should be the aim of all employers of men, of all those who are interested in the development of the American workingman, to work for shorter hours, as that has made the American mechanic what he is—the peer of any mechanic of the world.

The chief reason advanced by the friends of the shipping combine for the increased cost of the Government doing its own work is the shorter hours of labor required in Government yards. The fact, however, is that because of the improved conditions under which its mechanics are employed the Government has secured the highest possible skill in each trade. It has courted and brought to its assistance the highest standard of mechanical ability and the most skilled mechanics the world has ever known. The reason the Government has been able to obtain the best mechanics is obvious.

It is only natural that men want to work where the hours are shorter and where a vacation is given them with pay. Because of this the Government has the pick of the best mechanics in

America; and I venture to say that if the Government was to build its ships in navy-yards and the men given work every day in the year, perfection that has never been dreamed of in mechanical work would be closely approached, if not actually obtained.

It has been repeatedly stated by men competent to pass judgment on labor matters that it has been found where the hours of labor have been decreased the output has often remained the same, as a mechanic who is not worked to death every day of his life, and who is given time to rest his tired muscles, can do as much work in eight hours as a man who is driven can do in nine.

During the past year the hours of labor have been reduced to nine in nearly all the mechanical trades. In matter of time, therefore, private shipbuilders now have a large advantage over the Government, but when we consider the difference in the men and conditions the advantage is not so great. Not only has the Government secured men of the greatest ability as mechanics, but the extra time the men have at their disposal has been utilized advantageously, and the men have turned their attention to inventing improved appliances, and the Government profits by their genius and is getting the highest possible results from their labor.

It has been frequently stated that it costs the Government more to construct ships in its own yards than to let this work out by contract, but in one case at least this has not proved to be true, as the following will show. Despite the number of assertions as to this fact that have been made by gentlemen on the floor of the House and elsewhere, I can not agree with them, taking everything into consideration, that it costs the Government more to construct its own ships.

By comparing the cost of the two sister ships *Monterey*, built by the Union Iron Works, and the *Monadnock*, constructed at the Mare Island Navy-Yard, it would seem that these statements are untrue. The price paid to the contractors for the *Monterey* was \$2,014,996, of which \$1,872,777 was for hull and machinery, inspection charges \$20,000, and repairs to date \$132,000.

On the other hand, the total cost of the *Monadnock* was only \$1,484,015. The price paid for hull and machinery was \$1,414,266, or \$458,511 less than was paid to the Union Iron Works for the hull and machinery of the sister ship. The repairs to the *Monadnock* cost \$69,749, or \$62,470 less than was expended in keeping the *Monterey* in first-class condition. Therefore the Government saved \$530,981 by doing its own work.

The original boilers placed in the *Monterey* by the contractors had to have a new set of tubes at the expense of the Government. Later the boilers were replaced, while those furnished the *Monadnock* by the Government mechanics have as yet shown no signs of wear. When ships are built in Government navy-yards, no inspection charges have to be paid, and the contractors' profits are divided among the men who do the work and do not go into the pockets of wealthy contractors.

We will look at the cost of the repairs of each ship. The repairs made on the *Monterey* cost \$62,470 more than was paid for the repairs of the Government-built vessel. It does not require any great reasoning powers or any great brain work to understand why this should be so. A man does not have to be a shipbuilder or much of a business man to explain this, and yet, despite the lack of any special qualifications required in the case, there are men to whom it is a Chinese puzzle.

The man who signs a contract to build a ship for a stipulated sum uses the cheapest material in the cheapest manner that will pass inspection, in order to increase his profits. It is business, he says, and lets it go at that. The Government is rich and can pay for the repairs and breakdowns, he argues to himself. Besides, has he not been obliged to enter into competition to secure the job and gave prices so low that he can not afford to use honest material and skilled labor if he expects to make anything by the transaction?

How many men sitting in this Chamber to-day would intrust their ordinary business contracts to persons simply because they could have the work done for a slightly smaller price? There are but few, I am happy to say. But one may say the vessel has to pass inspection and conform with certain specifications before it is accepted by the Government, and therefore there is no chance for fraud on the part of a greedy, unscrupulous contractor. But this argument is not worthy of answer, as a contractor can be dishonest if it is profitable.

What a fearful price we would have to pay if one of our fighting machines broke down while the shot and shell were flying, and our victory turned into defeat because of the greed of the constructor of the vessel. But this might happen.

In a Government yard only the best material that can be obtained is used. There is no incentive for a man to use a defective plate, where it will escape detection, or an inferior and weak bolt in an obscure part of the ship. He does not gain anything by it. It is his whole desire to turn out the most perfect machine; the machine that will stand the wear and tear of time; not a machine



modified to meet conditions that are practically new and unprecedented. The greatest good to the greatest number is the best form of equity, and those who have watched the growth of industrial conflict can not but realize that something must be done sooner or later to prevent the growth of disorders which threaten to become chronic.

A department of labor naturally seems like a strange innovation, but it is not an illogical step in the development of a governmental system capable of coping with conditions that are the outgrowth of a complex civilization and need a corrective.

#### THE LETTER CARRIERS' BILL.

Now, sir, I want to state that in every Congress since I have been here a bill has been introduced for the benefit of the letter carriers. In three different Congresses—namely, the Fifty-fourth, the Fifty-fifth, and the Fifty-sixth—I had the honor of introducing such a bill myself, and I worked as hard as I could—before the committee, with members of the House, in season and out of season—continually to get a favorable report, but all in vain. I never could get the Republicans on the committee to report the bill and do justice to the deserving letter carriers of the country. Time and time again on the floor of this House have I pleaded for decent treatment for the letter carriers.

If there ever was a bill introduced in this House that ought to appeal to every member as a matter of right and justice, it is the letter carriers' bill. The bill was introduced in this Congress early in the session—to be accurate, on the 13th day of December, 1901. The Speaker referred it to the Committee on the Post-Office and Post-Roads. It is there now. It is sleeping in that committee, and it will never wake up, never come out. That is all there is to it—a most commendable bill. Why should it not be reported? Why should it be smothered in the committee? Why should it not be presented to the House and the members given an opportunity to vote for it or against it? We want a record on this bill. We want to fix responsibility, and the Republicans in this House are responsible and can not evade that responsibility.

The letter carriers' bill, now peacefully and silently slumbering in committee, has the support of over 1,450 petitions, covering nearly 2,000,000 names. One petition from New York City has on it 327,000 names. Resolutions from over 2,100 organizations, representing labor unions, boards of trade, business men's leagues, independent organizations, and fraternal associations, indorsed it. These came from all parts of the country. State legislatures, city councils, and in fact every organization of any kind, political, religious, and economic, have asked that this bill be passed, but still it sleeps. Not only that, but over 400 newspapers, daily and weekly, have supported the bill editorially. The demand that Congress take action on this bill has become general, but nothing is done. Why not? Ask the Republican members of the Committee on Post-Offices and Post-Roads.

Mr. Speaker, I am a friend of the letter carriers. The Government in all its service has no more honest, no more tireless, no more faithful employees. These men are the most efficient, the hardest worked in all the country's service, and the poorest paid. The letter carriers of the land are compelled to toil day in and day out, in sunshine and in storm, in winter and in summer, in all kinds of weather, sometimes eighteen hours out of the twenty-four; and taking all other employees in the various departments of the Federal Government as a basis for comparison, it can not be denied that the letter carriers render the most and the hardest work for the smallest remuneration.

Now, sir, why is it when every Democrat, I believe, on this side of the House is anxious for a favorable report of this bill, is anxious to have it passed, is anxious to vote for it to make it a law, why is it, I ask, that the Republicans in this House smother the bill every session in the committee? Why is the Republican party against the letter carriers' bill? Is it because a few Republican leaders of this House are opposed to giving the letter carriers decent wages? Or is it because the Republicans are so busy legislating for monopoly that they have no time to legislate for man? And to think of it! The chairman of the committee, the gentleman from California [Mr. LOUD], has the brazen audacity to rise in his place in this House and to impudently assert that this great Government can not afford to pay the letter carriers and postal employees decent wages! And in the face of the fact that we have in the Treasury a surplus of over \$208,000,000, the largest surplus in all our history, and every dollar taken from the pockets of the taxpayers.

#### CUBAN RECIPROCITY.

And so, Mr. Speaker, it is the same old story all along the line—cant and hypocrisy and false pretense. Verily, verily, I say unto you, their synonym is modern Republicanism run mad. The Republicans pretended to be the friends of the Cubans, and promised them a large measure of reciprocity; but a few Republican beet-sugar Senators thwarted the will of the people and killed Cuban reciprocity in the alleged house of its supposed friends. And Cuba, our ward, can suffer, and must get along the best she can.

#### A FEW OTHER MATTERS.

Now, gentlemen on the Republican side of this Chamber, just a few words more and I shall conclude. Let me ask you, What has become of all your fine promises. Why have you not to some slight degree reduced the tariff tax, which robs the many for the benefit of the few? Why do you refuse to reduce exorbitant tariff taxation on trust-made goods, which are sold cheaper in Europe than in this country? Be candid, my Republican friends. Democrats have introduced bills to do this.

Why have you killed these good bills in the committee? Will not some Republican answer? I pause for the reply. No answer. Well; I will tell you. It is because your party—the Republican party—the grand old humbug party—is owned and controlled by the trusts of the country, and I say here and now, without fear of successful contradiction, that so long as the Republicans are in power the trusts will be secure and will flourish like a green bay tree.

What has become of the resolution to amend the Constitution to elect Senators in Congress by a direct vote of the people? It passed this House early in the session—the vote was nearly unanimous. What has become of it, gentlemen? I will tell you. Killed as usual by a few Republican trust Senators sent to the other branch of Congress to look after special interests—killed by them notwithstanding the millions of petitions for it and the popular demand that it be enacted into law.

I despair that this much-needed reform will ever pass the Senate, especially as that body is now constituted. What has become of the bill to abolish government by injunction? Ask of the winds, and they will whisper back, "Killed by the Republicans." I ask the plain people of our land, How long, how long, will you submit to a betrayal of your rights by the Republicans?

#### THE PACIFIC TRANSPORT SERVICE.

Some time ago, sir, I introduced the following concurrent resolution:

Whereas the allegations of inadequate and scandalous conduct of the affairs of the United States transport service between San Francisco and the Philippine Islands, made by the Examiner and other leading newspapers, have been sustained by the official reports to the War Department by special War Department inspectors Col. John L. Chamberlain and Col. Marion P. Maus; and

Whereas no action commensurate with the gravity of the conditions shown to have existed has been taken by the Secretary of War: Therefore,

Resolved by the House of Representatives (the Senate concurring), That the working of the transport system be investigated by a Congressional commission to consist of three members of the House and three of the Senate, which shall have power to send for persons and papers, and to make report at the next session of Congress.

What has become of this resolution? Killed in the committee by the Republicans. Why did I introduce it? Write to the Secretary of War and respectfully request him to send you a copy of the official reports of Col. John L. Chamberlain and Col. Marion P. Maus. Those reports will tell the story. I have not the time now to go into details. Suffice it for me to say, however, in the few minutes I have left, that these reports show most conclusively that hundreds of thousands of dollars of the people's money have been wasted or stolen, or both.

No proper vouchers for Government money expended. Extravagant sums paid for repairs of the transports and to San Francisco merchants for supplies. Coal stolen and false statements made as to the amount on hand. The taxpayers' money wasted like water because the men charged with the responsibility buy the supplies in open market instead of buying by competition from the lowest responsible bidder, in accordance with custom and law.

Just let me call your attention to one item. Colonel Chamberlain says in his report that the transport *Meade* was recently purchased for \$400,000, and that since she was purchased by the Government the War Department has spent on her the sum of \$580,000 for repairs—\$180,000 more than she cost. What do you think of that? It is only a sample, however, of what is going on, and has been going on for a long time, in the Army transport service on the Pacific between San Francisco and the Philippines. And so the Republicans in Congress smothered that resolution. They did not want an investigation. Taxpayers, citizens, Americans, you know the reason why!

The SPEAKER. The time of the gentleman from New York has expired.

Mr. DICK. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, of all the 15,000 bills which have been offered for our consideration, perhaps this is the one of which I know least. [Laughter.] Perhaps I am the only member of this House that does not know all about this bill. [Laughter.] Not being a member of the committee having it in charge, I do not claim to know all about it.

But I do know, Mr. Speaker, that the militia laws of the United States are out of date and very inadequate to present requirements. I do know that a well-trained militia is of the utmost

purpose as such a piece of patchwork can be. Realizing that the exclusion law of the past ten years, just terminated, and which is now superseded by the law just enacted, was spread over a series of acts, treaty stipulations, court decisions, and Treasury regulations which required vast research in order to ascertain the exact status of any tangible feature, the American Federation of Labor representatives, together with the representatives of the California Chinese exclusion convention, drafted a bill which was a codification of all these various laws, treaties, decisions, and Treasury regulations into a comprehensive measure, so that if it had been enacted it would have presented to the Government officials as well as any student or ordinary citizen of this or any other country a comprehensive law that anyone could understand. But the wise solons of the Republican party decreed otherwise, and, whether out of antagonism or ignorance, they imposed on the country a law which, unless remedied soon by further legislation, rectifying the wrong and the shortcomings, or by the voluntary acquiescence of China, will open the mainland of the United States to the dangers of an overwhelming horde of Chinese laborers.

Under the old law, Chinese, or persons of Chinese descent, were excluded from the United States, no matter from whence they came. Under the law just passed they can be excluded only when such exclusion shall be "consistent with treaty obligations." In no way does the law designate that the exclusion shall be consistent with treaty obligations with China, and hence, while the provision is made that they shall be excluded if they come from China to the United States, or from China to the Philippine Islands, there is no provision of law against Chinese going to Hong-kong, which is under the British Government, or from China to Mexico, and coming from either of these places into the United States.

Now, sir, in view of the treaties between the United States and the Governments of Great Britain and Mexico, providing for free and unlimited coming and going of their citizens and subjects to and from the United States, and with the well-known desire on the part of Chinese laborers to come to our country and compete with American workmen, and this desire fostered and encouraged by the shipping and transportation companies, as well as the purpose of the Chinese Six Companies and a large number of American employers who constantly harp upon the idea of introducing into the United States a horde of cheap laborers, it is not difficult to understand the danger which threatens and confronts the workers of our country.

#### THE EIGHT-HOUR AND IMMIGRATION BILLS.

Mr. Speaker, so much for Republican pretensions regarding Chinese cheap labor. Now let us see what else was done for the toilers. The eight-hour and immigration bills were passed in the House for buncombe only—just like last session's antitrust bill—with no idea of allowing them, or either of them, to be enacted into statute law. All labor bills are opposed by the great trusts, which have more weight in the scale of the Republican party than the millions of signatures to petitions in favor of these bills. When the ship-subsidy bill was up, the whole argument for the millions of dollars which were asked for in that bill was based on the phrase "that they needed the money" in order to pay higher wages for American seamen.

Yet, in the worthless substitute for the Chinese-exclusion bill, which was finally passed, it has been so arranged that Chinamen can be employed on all our ships, even as sailors. The clause forbidding employment of Chinese seamen on American vessels was struck out in the Senate by a vote of 47 to 29, the petitions to the contrary notwithstanding. Millions for subsidies, millions for the trust, but not even consideration for honest labor bills and only contempt for petitions asking the poor privilege of justice for the toilers.

And as for having war ships built in Government navy-yards, the naval appropriation bill may possibly drop a crumb to the petitioners in the shape of one ship to be built in a Government yard, while in one of the trusts' yards there are now four war ships on the stocks. These petitioners I say can not be hoodwinked again by promises to enact their bills into law after the election. If there is any intention to pass them, why not pass them now? Nearly every man, woman, and child in the country knows what the eight-hour question is. It has been before Congress for years, ever since 1868. Why delay action on this measure?

Is the Republican party so completely in the grasp of the trusts that these unlawful combinations can hold up all the labor bills? I assert here and now that not one of these bills will be passed by this Congress. This is a serious matter and I challenge the Republican majority to allow one of these bills to be voted on before they close the session. We Democrats will vote against any resolution to adjourn unless you pass some of these bills.

This so-called shipping trust is holding up Congress this very moment and demands the expenditure of \$40,000,000 for Govern-

ment work in their yards, and necessarily at their prices, when the Government has yards of its own and can build its own ships and employ American workmen on their construction and can man them with American seamen when they are built. But, as I have said before, it is my belief that no action will be taken at this time; no matter how numerous the workmen's petitions pour into Congress they will be either ignored or legislated on adversely, as was the case with the Chinese-exclusion bill. Workingmen, you have asked for bread and the Republican party has given you a stone. But the remedy is in your own hands. What is it? The ballot. If you want your rights, vote against the party of trickery and chicanery, the party that has deceived you over and over again.

#### THE BILL TO ESTABLISH A DEPARTMENT OF LABOR.

Mr. Speaker, a few words now in regard to another matter I deem of some moment. It relates to the bill I introduced to establish a department of labor, with a Cabinet officer to be known as the secretary of labor, and is intended to meet an urgent need of the times in our industrial and governmental affairs.

In times past the governments of the world were largely occupied with war and diplomacy, hence a war department, a navy department, and a state department were essential features of every government.

We are now in the beginning of a new era in the world's history, when industry and commerce, instead of war and diplomacy, are to be the chief subjects occupying the attention of governments. For this reason and in order that the Government of the United States may be prepared to deal properly with these new and changed conditions, I have introduced two bills, one to provide for a department of labor and another providing for a department of commerce.

The need for a department of labor on the lines provided in my bill is clear to every citizen who reads and looks with any degree of clearness on the industrial phenomena around us to-day in the United States.

After the preservation of order and the administration of justice, by far the most important duty of government to-day is to see to it that all its citizens are employed or have the opportunity to be employed at productive labor.

When any considerable number of the citizens of the country are shut out of the opportunity to labor the loss in wealth to the country is almost incalculable, and is equaled only in magnitude by the gigantic losses from great wars.

For example, the census of 1890 shows that during that year there were 1,139,000 people in enforced idleness. The census also shows that the average wealth produced per head by these workers was about \$2,000 per year. Thus the United States suffered a loss of over two and a quarter billions of dollars in a single year from the failure to secure employment of this large number of its workers. This loss shows most impressively and conclusively the urgent need of such legislation as that embodied in my Department of Labor bill.

The great labor organizations of the country appreciate more than any other class of intelligent citizens the need of such legislation, and year after year have demanded it of Congress, but without result.

The failure of all other methods of settling the great coal strike shows most emphatically the need of the arbitration and conciliation provision in section 20 of my bill. The time has come when further delay on the part of Congress to act on this legislation is inexcusable.

I have devoted much time and care in the preparation of this bill, and it should be studied by the writers on the press and every thinker in the country. It will help in a large measure, in my judgment, to solve existing and future social, economic, and industrial problems. It will be a step in advance and in the right direction. It will protect and add dignity to labor, which creates all wealth, and do much to preserve the wealth created and conserve peace and order.

I shall keep on fighting for it, and sooner or later it will become a law, but during this session of Congress I could not get the Republicans to report it. If it had been reported it would have passed. The men who create all the wealth of this country demand the enactment into law of this bill.

The Washington Times, owned and edited by Frank A. Munsey, in a recent leading editorial commenting on this bill to establish a department of labor, said:

#### WORTHY OF CONSIDERATION.

The proposition of Representative SULZER for a department of labor will at least bear careful consideration. There is every reason to believe that the greatest problems of the near future will be industrial and commercial. The questions involved are intricate and most important. The material welfare of the nation depends upon the reasonable solution of the questions involved and the neglect of these questions is, as Mr. SULZER has pointed out, certain to lead to almost incalculable losses.

A popular government has the right to act in matters that concern the welfare of the nation. Some old-fashioned ideas may have to be slightly



which the work would be done, and although the specifications did not call for a time bid, the concern that received the contract—although at a higher price—received the order because, as I was told, they specified the time in which they would have the boat ready; and the first firm omitted that detail, although it was not in the specifications, and their price was lower.

The naval constructors to a man are most enthusiastically in favor of this measure. They are all agreed that as matters stand at present, when repair work is slack, the skilled forces at the various yards have to be broken up and dismissed, and that consequently there is a great loss of time and a scattering of disciplined forces, which it is difficult and generally impossible to gather together again when repair work is plentiful. With a battle ship and cruiser on hand at our three leading navy-yards—Boston, New Charlestown, New York, and Brooklyn—it would be possible to keep a force of first-class mechanics continually employed, transferring them from repair work to construction when necessary.

It is only just to the mechanics employed that this should be done. They are laid off through no fault of their own and much suffering is caused among their families.

The Charlestown Navy-Yard inside of a year will be one of the best equipped navy-yards in the country and will be prepared to do any kind of work. The total value of the Government navy-yards is \$113,074,510, and it costs \$18,404,047 annually to maintain them and produce \$4,157,266 in results.

If there were \$20,000,000 worth of construction work at the navy-yards, the cost for maintenance would not be greater than it now is. In view of these facts it is the height of folly not to experiment with the construction of ships by the Government.

In conclusion, Mr. Speaker, I want to see at least 3,500 men permanently employed in the Charlestown Navy-Yard, each man perfecting himself in his own line of effort until he has reached such a degree of excellence that his handiwork will rival in accuracy the finest art of the watchmaker. I want the busy hum of machinery to sing the song of contentment to thousands of happy families, the right arm of the family developing the right arm of the Republic, both keeping equal pace in development, both working for the preservation of the peace of the world. I am not hostile to the private yard. On the contrary, I believe in helping it out in every possible way that is legitimate and honorable, but as between putting vast profit into the pockets of a few already wealthy men and providing permanent employment for the worthy mechanic, I am with the mechanic both on economic grounds and the loftiest grounds of patriotic sentiment. [Applause.]

Mr. STARK. Mr. Speaker, how much time have I remaining? The SPEAKER. Four minutes.

Mr. STARK. I yield two minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, this bill has the indorsement of the adjutant-general of my State, and my knowledge of its provisions leads me also to approve of it. But I have not time to enter into its merits; I have risen for the purpose of asking unanimous consent to extend in the RECORD my remarks upon another bill—House bill 15109.

The SPEAKER. The gentleman asks unanimous consent to extend in the RECORD his remarks on House bill 15109. Is there objection? The Chair hears none.

[Mr. SMALL addressed the House. See Appendix.]

Mr. STARK. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. SULZER].

The SPEAKER. The gentleman from New York has three minutes.

Mr. SULZER. Mr. Speaker, this is a bill to promote the efficiency of our militia, and I am in favor of it. I have always been the friend of the volunteers; I believe in them, and I believe in the effectiveness of our citizen soldiery. This bill may not be perfect. Very little legislation is perfect; but if there are any material defects in the bill, they will soon be discovered and can be corrected hereafter. This bill has been most carefully considered, approved by the adjutants-general of all the States, and comes to us with a unanimous report from the committee. I shall vote for it, and I do not believe the fears of some of the gentlemen who have spoken against the bill are well founded. I have given considerable study to this matter and have always been in favor of that good old Democratic doctrine enunciated by Thomas Jefferson in favor of a well-disciplined militia.

It is the best security of a free people. I am now and always have been opposed to a large regular army in time of peace in a Republic like ours. It is true, as has been said, that we have on our statute books a lot of old, antiquated, and obsolete militia laws, some of them enacted in 1792. Most of these laws are useless today, and inoperative. This bill eliminates the obsolete laws, codifies the useful laws, and brings them up to the present time, per-

fects them, and makes it possible for the States in this country to get Government aid and have a great body of well drilled, disciplined, and modernly equipped citizen soldiery.

If this bill becomes a law, and I hope so, it will give to the several States a national guard—a military organization armed and equipped the same as the Regular Army. The Spanish-American war demonstrated the importance of having this done, and we should not neglect it. In this country every able-bodied citizen in time of war—when our homes are threatened by an invasion from a foreign foe—is a soldier and a good fighter. I believe in the bravery and the patriotism of the American citizen, and so long as our martial spirit lasts, and we glory in our free institutions, the Republic will be safe and endure. I hope the bill will pass.

#### A BILLION DOLLAR SESSION OF CONGRESS.

Now, Mr. Speaker, I shall take advantage of the time at my disposal to submit to the House a few remarks on some matters that I believe to be pertinent and of some moment to our fellow-citizens. We have been in session since the first Monday of last December. It has been indeed a long session, and it has been the most expensive session of Congress ever held in all our history. We have spent a great deal of the people's money—nearly a billion dollars. And what for? Let us see. I hold in my hand a statement of the appropriations made this session, and I ask the Clerk to read it.

The Clerk read as follows:

#### Appropriations of the Fifty-seventh Congress, first session. [Omitting hundreds.]

Urgent deficiency .....	\$20,384,000
Pension .....	139,842,000
Consular and diplomatic .....	1,958,000
Second urgent deficiency .....	193,000
Post-Office .....	138,472,000
Third urgent deficiency .....	75,000
Legislative, executive, and judicial .....	25,398,000
Ordinance and fortifications .....	7,299,000
Fourth urgent deficiency .....	178,000
Omnibus claims bill .....	1,640,000
Agricultural .....	5,210,000
Rivers and harbors .....	65,108,000
Omnibus public buildings bill .....	19,425,000
Indian .....	9,080,000
Sundry civil .....	60,125,000
District of Columbia .....	8,548,000
Military Academy .....	2,827,000
Panama canal (one year) .....	189,130,000
Army .....	91,530,000
Navy .....	78,681,000
General deficiency .....	8,250,000
Miscellaneous .....	2,250,000
Permanent appropriations .....	123,000,000
Total .....	998,403,000

Mr. SULZER. Now, gentlemen, that statement speaks for itself. It can not be successfully controverted. This is a Republican Congress—overwhelmingly Republican in both branches—and the Republican party must assume the responsibility for all its acts of commission and omission. The Republican party is responsible for all that has been done and all that has been left undone—for all the flagrant extravagance and abuse of power—during the first session of the Fifty-seventh Congress. A billion-dollar session of Congress is an anomaly in our legislative history. I ask the taxpayers to ponder on these facts. I ask the people how long they are willing to submit to it, and all for a little cheap glory of conquest; all for a little glitter and pomp and circumstance; all for a little tinsel and tassel and gold lace? How long do you want it to last? You can answer in the coming elections. Ask yourself what has this Congress done for you—what has it done for the rank and file?

#### IS THE RIGHT OF PETITION FUTILE?

What has this Congress done for labor? Where are the bills which were petitioned for by millions of workingmen? Congress has been deluged with petitions more numerous than "the leaves in Valambrosa," and all to no purpose. The Republican party has turned a deaf ear to these petitions. It has legislated either adversely on them or ignored them altogether.

No man will again be deceived by the Republicans passing a measure in the House and holding it up in the Senate, as was done with the antitrust bill in the last Congress. But this plan worked so well then that it has been tried again with the same idea of deceiving the workingmen of the country who have signed these petitions of which I speak. The eight-hour bill is a shining example, as well as the immigration bill, the letter carriers' bill, the overtime pay or excess of eight hours on Government work bill, the building of war ships in Government yards bill, and the Chinese-exclusion bill. All denied except one, the Chinese-exclusion bill, and the legislation on that subject was adverse to the true interests of American labor.

#### THE CHINESE BUNCO LAW.

As a matter of fact, the so-called Chinese-exclusion act is as defective, deceptive, and inefficient to accomplish the desired

that has been constructed to pass the inspector's eye by a narrow margin and return a handsome profit to its builder. All this must be considered when the relative cost of constructing ships in private and Government yards is discussed.

Another factor which must be considered, Mr. Speaker, is the time required by private yards to construct a vessel. They are all congested with work, and although the major portion of their enormous earnings is undoubtedly derived from Government work, this class of work is pushed to the rear and delayed, while private work, paying a smaller profit, is rushed ahead until completed. This is neither just nor businesslike, and only serves to accentuate the way in which the contractor regards the Government.

It is an outrage that this state of affairs exists and is allowed to continue. The shipping combines have the United States Government under their thumbs and do as they please.

Representatives of shipping combines have attempted to delay the authorization of new ships for the American Navy. They have allowed their sordid greed and mercenary desires to master their patriotism, and notwithstanding the fact we know not when we may be plunged into war and need every ship that we can obtain, have worked against an increase of the American Navy because they were already receiving all of the Government pap they can swallow, and are fearful lest the Government would build its own ships and find that it could do the work more satisfactorily, if not so cheap.

On January 1, 1902, there were in process of construction 8 battle ships, 6 armored cruisers, 9 protected cruisers, 4 monitors, 15 torpedo-boat destroyers, 9 torpedo boats, and 7 submarine boats. Although this total of 58 ships under construction would seem to indicate the activity with which the construction of our navy is being carried forward, it is unfortunate that the figures are misleading, for the reason that the private firms that have undertaken the contracts for these ships are woefully behind their contracts. Out of the whole 58 no less than 35 are behind from nine months to over three years. And yet not a word of protest is raised and these ship contractors come forward with claims against the Government for failing to deliver to them armor plate on time.

This disgraceful state of affairs should not be allowed to continue; the growth of our navy should not be hindered by mercenary shipbuilders.

Regarding the congested condition of private yards, a reliable newspaper says:

It seems evident that the builders have bitten off more than they can chew, yet they want more ships, and are doing their utmost to prevent the Navy from building its own ships. It is possible that with the formation of a ship-building trust matters may be so arranged that certain yards will construct naval vessels and others will get the mercantile work. The plan might work very well and be acceptable to the Government, which, after all, only requires work done according to the contract and at a reasonable cost, but there are grounds for apprehending that the trust would demand higher prices in order to pay dividends on its diluted capital stock.

It has been asserted by the opponents of shipbuilding in navy-yards that there is no telling how much a ship built by the Government will cost. This applies with equal force to contract-built ships. The contractor rarely pays any penalty, but claims for alleged extra work—damages sustained from various causes—are presented and liberal compensation allowed. Notwithstanding the vast improvements made during the last dozen years in tools and labor-saving devices, there has been no corresponding increase in rapidity of construction or decrease in cost of naval vessels, nor are any material improvements in this direction to be expected from the trust. Improved tools and labor-saving devices must certainly cheapen the cost of constructing ships, and the money saved in this manner must certainly go into the hands of the combine. How long will we let the contractors take advantage of the Government? How long will we let costly machinery rust away and skilled mechanics remain idle?

On the other side of the book, it will be seen that the Government is not seeking to make a profit on its work. So if a contractor gives a figure for a piece of work, figuring on a nine-hour day and calculating a generous profit, the Government certainly ought to do as well, figuring on an eight-hour day but not looking for a profit.

I find in the report of the Committee on Naval Affairs, on page 19—

In view of the fact that there is some public sentiment favorable to building ships in our Government navy-yards, it has been deemed advisable by the committee to insert a provision in the appropriation bill of this year leaving it in the discretion of the Secretary of the Navy to build any or all ships in Government yards, but making it mandatory on him to construct at least one battle ship or one armored cruiser in such navy-yard as he may designate, as an experiment; and it is further provided that he shall keep an accurate account of all expenditures for labor and material in the inspection and construction of such ship and report to Congress at each session, and upon the completion of said ship he shall make a detailed report showing the relative cost of one built by the Government and one by contract. It is believed by your committee that nothing short of an experiment of this kind will settle the question that has vexed many minds, and at the same time will show whether private contractors have been reasonable in their bids,

and furthermore be a basis for future guidance in the continued construction of our Navy. An appropriation of \$175,000 is recommended for each yard in which a ship is built.

Why, Mr. Speaker and gentlemen, the feelings of the people on this question can not be described as "some public sentiment favorable" to the idea. It is a demand. There is a demand from the people that we should do this, and a demand we are in duty bound and should be prompt to honor.

The great and general court of Massachusetts, the legislature of my own State, a body which for brains and intelligence and cold, hard-headed business sense is not surpassed in the United States, has just adopted the following resolutions, which I will read at this time:

Commonwealth of Massachusetts. In the year 1902. Resolutions relative to the building of war vessels in navy-yards of the United States.

Resolved, That the Senators and Representatives from Massachusetts in the Congress of the United States are requested to use all reasonable efforts to secure the passage of the naval appropriation bill now pending in such form as shall authorize the construction by the United States Government in its own navy-yards of some of the war vessels to be built under the provisions of that bill.

Resolved, That properly attested copies of these resolutions be sent to each of the Senators and Representatives from Massachusetts in Congress.

SENATE, May 1, 1902.

Adopted, sent down for concurrence.

HENRY D. COOLIDGE, Clerk.

HOUSE OF REPRESENTATIVES, May 7, 1902.

Adopted, in concurrence.

JAMES W. KIMBALL, Clerk.

A true copy. Attest:

Clerk of the Senate.

And so all over the country, every member of this House is deluged with petitions from labor organizations, boards of trade, city councils, and State legislatures, and, in fact, almost every assembly gathered to discuss questions of public interest have adopted resolutions favoring the building of Government vessels in the Government navy-yards. We have in Boston a splendid opportunity to examine into the merits of this question by observing actual operation.

On one side of Boston Harbor is located the new and, I sincerely hope, successful plant of the Fore River Ship and Engine Company building; there to-day are the battle ships *New Jersey* and *Rhode Island*, 15,000 tons each, contract price of each being \$3,405,000; protected cruiser *Des Moines*, contract price \$1,035,000; torpedo-boat destroyers *Lawrence* and *McDonough*, contract price each \$281,000; total Government contracts, \$8,437,000. Across the harbor in Charlestown at the Boston Navy-Yard is located a plant valued at about \$13,000,000, on which we expended for maintenance and improvements during the fiscal year ending June 30, 1901, \$1,252,408.

We have also there the accumulated experience of nearly one hundred years in handling vessels and a picked lot of men filled with the traditions of the trade and anxious for steady work.

James O'Connell, president of the International Association of Machinists, said at a hearing held to consider the question we are now discussing: "In fact, the New England States are credited with having the highest mechanical skill in the country."

This may well be accepted as authority concerning the rank and file, the bone and sinew of the yard, and while my personal opinion on the matter is of no interest, my observations and investigations convince me that Mr. William J. Baxter, the naval constructor at the Boston Navy-Yard, is one of the foremost, if not the foremost, naval constructor in the United States. Now, there is the situation. If the Fore River Ship and Engine Company can take contracts amounting to over \$8,000,000 and make a profit on same, why can not the Government, with its enormous plant, build at least a cruiser over at the Charlestown yard and get it out without sustaining a loss?

On page 17 of the committee report I find a table showing the ships now in process of construction, and their degree of completion April 1, 1902.

The table is incomplete, uninteresting, uninformative. How much more entertaining reading would the table be if the committee had added the date on which the contractors had agreed to have their several boats finished. I have not gone into the table in detail, but I have personal knowledge of one boat, which I will not mention unless all the others are mentioned also, which was to have been launched last November, and to-day, six months later, she has not been thrown overboard. Now, what I want to know is this: Does the Government get any rebate on the contract price by reason of failure to have the boat ready at the stipulated time?

I think if we have a naval constructor in one of our yards, and he could not get a boat into the water inside of six months after the date he had agreed to launch her, there would be a hearing on his case, an investigation, and good chances for a subsequent vacancy in that particular position.

Only the other day my attention was directed to a case where a shipbuilding concern in my district failed to receive a contract for repair work on a boat because they did not specify the time in



importance to this Republic. I do know that the National Guard of Pennsylvania is the largest, finest, and best-drilled body of State troops in the Union to-day [applause]; that it desired to go as a body into the service of the United States, and that most of its members did serve in the war with Spain. I do know that Pennsylvania has an exceedingly popular and most capable adjutant-general, and that he and other officers of the National Guard assure me that the passage of this bill is most desirable and necessary. Therefore I hope that it will pass. [Applause.]

Mr. DICK. Mr. Speaker, in order that the House may have a sample of the law which we expect to repeal I ask the Clerk to read section 1628 of the Revised Statutes.

The Clerk read as follows:

SEC. 1628. Every citizen shall, after notice of his enrollment, be constantly provided with a good musket or firelock of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than 24 cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot-pouch, and powder-horn, 30 balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutered, and provided when called out to exercise, or into service, except that when called out on company days to exercise only he may appear without a knapsack. And all arms, ammunition, and accouterments so provided and required shall be held exempted from all suits, distresses, executions, or sales, for debt or for the payment of taxes. Each commissioned officer shall be armed with a sword or hanger and spontoon.

Mr. DICK. Mr. Speaker, I do not think it needs better proof to maintain the assertion in the President's last message that the militia laws of the country are obsolete. The effort of your committee has been to bring in something modern, something practical. It comes here with a unanimous report, filed more than three months ago. The press of the entire country has universally approved the measure. The National Guard organizations of every State and of every section of the country have indorsed its provisions.

The Secretary of War approves it with a letter which is filed with our report. It may not be a perfect law; we make no claim to perfection, but it is the belief and hope of your committee that this law will bring about at a minimum of expense a maximum of our military power, and that in times of peace we shall be able to reduce the standing army of our country to the very minimum. Mr. Speaker, I might go on in detail and explain the provisions of this act, but it has been in the hands of members of Congress with reports for so long a time that I think it best now to call for a vote. Before doing so I ask unanimous consent that leave to print remarks on the bill be granted to members for the period of ten days.

The SPEAKER. The gentleman from Ohio asks unanimous consent for general leave to print on this bill for ten days. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I do not think it ought to be given for ten days.

Mr. DICK. I will modify the time. How much time does the gentlemen suggest?

Mr. RICHARDSON of Tennessee. I shall object to a longer period than five days.

Mr. DICK. I am willing to so modify the request.

The SPEAKER. The request is modified to five days. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question now is on suspending the rules and passing the bill.

The question was taken; and on a division (called for by Mr. CLAYTON) there were—ayes 180, noes 28.

So (two-thirds having voted in favor of the motion) the rules were suspended and the bill was passed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed a joint resolution of the following title; in which the concurrence of the House was requested:

S. R. 130. Joint resolution authorizing certain temporary repairs to the Aqueduct Bridge, District of Columbia.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11573. An act for the relief of settlers on lands granted in aid of the construction of wagon roads;

H. R. 14087. An act granting a pension to Lizzie Dunlap;

H. R. 13617. An act granting an increase of pension to Anne M. Luman; and

H. R. 7105. An act granting an increase of pension to Silas Stotts.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6117) for the relief of George Lea Fibiger.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12805. An act requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes; and

H. R. 12977. An act granting an increase of pension to William L. Church.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3896. An act to amend section 3362 of the Revised Statutes, relating to tobacco.

#### SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. Res. 130. Joint resolution authorizing certain temporary repairs to the Aqueduct Bridge, District of Columbia—to the Committee on the District of Columbia.

#### GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I present a conference report on the general deficiency appropriation bill, and ask unanimous consent that the statement may be read and that the reading of the report may be omitted.

The SPEAKER. The gentleman from Illinois calls up the conference report on the general deficiency bill, and asks unanimous consent that the reading of the report be omitted and that the statement only be read. Without objection this course will be pursued.

There was no objection.

The conference report was read.

[For report of the committee of conference see page 7605.]

The Clerk read the statement of the House conferees, as follows:

The managers at the conference on the part of the House on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies, submit the following written statement in explanation of the action on each of the amendments in the accompanying conference report, namely:

On No. 26: Strikes out the appropriation of \$1,000,000 proposed by the Senate on account of the Territory of Hawaii;

On No. 34: Inserts the limitation proposed by the House in the amendment of the Senate appropriating \$25,000 for the Ohio River;

On Nos. 81 and 82: Appropriates \$1,000, to be paid in the discretion of the Superintendent of the Capitol, to certain employees injured while employed on the Capitol building;

On Nos. 87 and 88: Appropriates \$2,679.44, as proposed by the Senate, for services of a receiver and register of the land office in Alaska;

On No. 90: Appropriates \$15,000, instead of \$30,000 as proposed by the Senate, for fencing and for buffalo in the Yellowstone National Park;

On No. 91: Strikes out the appropriation of \$175,000 proposed by the Senate for survey of certain Indian reservations and inserts a provision requiring specific estimates for such surveys to be submitted to the next session of Congress;

On No. 93: Appropriates \$800, as proposed by the Senate, to pay for services of a clerk in the post-office at San Antonio, Tex.

On Nos. 99 and 116: Strikes from the bill the appropriation of \$10,000 as proposed by the Senate and \$1,000 as proposed by the House, to purchase manuscript for a new edition of Charters and Constitutions.

On amendment numbered 9, making an appropriation for the Charleston Exposition, the committee of conference have been unable to agree.

J. G. CANNON,

S. S. BARNEY,

L. F. LIVINGSTON,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. CANNON. Mr. Speaker, there is one amendment yet undisposed of. That is the amendment of the Senate that appropriates \$160,000 for the Charleston Exposition. I will move that the House further insist upon its disagreement—

Mr. FINLEY. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 9, and agree to the same.

The SPEAKER. The gentleman from South Carolina moves—which is a preferential motion—that the House recede from its disagreement and concur in the amendment of the Senate.

Mr. CANNON. Mr. Speaker, a moment. I want to ask unanimous consent at this time that I may be permitted to file the usual statement of appropriations and matters connected therewith within the next five days.

The SPEAKER. The gentleman from Illinois asks unanimous consent that he may be permitted to file for publication in the RECORD a statement of the appropriations of the present session. Is there objection?

Mr. CANNON. And I will also ask in the same connection that any member of the Committee on Appropriations may do the same, if he desires.

The SPEAKER. The gentleman from Illinois modifies his

request so that it shall apply to all members of the Committee on Appropriations. Is there objection?

Mr. RICHARDSON of Tennessee. I understand that it is expressly limited to five days. I shall object unless it is, because we ought not to have a RECORD issued thirty or sixty days after the adjournment of the session, as we have before.

Mr. CANNON. I think five days will be quite long enough. I now hope to print the statement that I shall offer in the RECORD of Wednesday morning.

Mr. BENTON. I think that will be sufficient time for us.

Mr. LIVINGSTON. I want to say that my statement will be published in the RECORD on Wednesday morning.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, it is proper for me to say, touching the only amendment of the Senate that is not disposed of, the disposition of which alone stands in the way of the enactment of the deficiency bill, all other matters being closed, that the Senate is insistent upon this amendment. It is proper for me to say, further, that this amendment originated in the Senate, that it is without law, and is legislation and appropriation combined.

If the House should further insist upon its disagreement, under the practice in such matters it is the part of the Senate to recede. That is the invariable rule between the two bodies. When one body proposes legislation or appropriation not authorized by law, in connection with or as an amendment to an appropriation bill, that body invariably recedes if the matter can not be accommodated between the two bodies. In this instance the Senate proposes the amendment. I want to be exactly fair—

Mr. FINLEY. Mr. Speaker—

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from South Carolina?

Mr. CANNON. - In a moment. I want to be exactly fair with the House. In my judgment, if the House intends to vitalize the amendment for Charleston, S. C., this is its opportunity. I do not care at this time, so far as I am concerned, to speak further of its merits.

I do not care to go back and hold a post-mortem over the merits of the Buffalo appropriation. That is vitalized as soon as this amendment is disposed of and the bill is signed by the President. It does not do much good to talk about last year's birds' nests. I shall vote against this amendment, so far as I am concerned, as I did before, and will repeat now what I stated a few hours ago when that matter was before the House for consideration.

This amendment is wrong. The Buffalo amendment was wrong. The Buffalo amendment passed. This was rejected. Somebody suggested that when you considered the two propositions together it was like unto straining at a gnat, this being the gnat, and swallowing the Buffalo camel. [Laughter.] That is what it is. It is a peculiar cross, but we have swallowed it.

Mr. FINLEY. One question.

The SPEAKER. Does the gentleman yield?

Mr. CANNON. In a moment I will yield. Now, having stated this much I stand ready to yield to the gentleman from South Carolina a brief time. How much time does my friend desire?

Mr. FINLEY. Mr. Speaker, I merely wish to say, as I understand the gentleman's conviction, it is that between the two propositions his view is, and he has so stated privately, that the Buffalo proposition has no advantage over Charleston. [Laughter.]

Mr. CANNON. Well, one is a great big kettle, Buffalo, and the other is a little bit of a black pot, Charleston. [Great laughter and applause.]

The SPEAKER. The question is on the motion of the gentleman from South Carolina.

Mr. CANNON. Mr. Speaker, I desire to yield some time to the gentleman from Mississippi. I beg the pardon of my colleague, the gentleman from Georgia, a member of the conference committee. I yield to him such time as he may desire.

Mr. LIVINGSTON. Mr. Speaker, it is a well-known fact to every member of this House that this amendment originated in the Senate. It is also well known that our Appropriations Committee turned down both appropriations, that for Buffalo as well as that for Charleston.

More than that, I want to say, Mr. Speaker, that I voted against the Buffalo appropriation and against the Charleston appropriation; but I undertake to say in my place that this House giving Buffalo \$500,000 without any merit, and perhaps with less merit than Charleston, it looks to me that it would be an outrage to allow Charleston to go without this pittance of an appropriation after having given Buffalo \$500,000. [Applause on the Democratic side.]

All I wish to say now is that it can not be justified on either side of this House, nor can it be justified before the public of this country to make such a discrimination between the two places. I ask the House to look at it in that light.

Mr. CANNON. I will yield to the gentleman from South Dakota in a moment, but I yield to the gentleman from Mississippi [Mr. WILLIAMS]—how much?

Mr. WILLIAMS of Mississippi. About two or three minutes.

Mr. CANNON. Well, three minutes.

Mr. WILLIAMS of Mississippi. Mr. Speaker, both of these appropriations are superlatively wrong. There is nothing that I know of that grants the Federal Government the right to carry on a national or any other sort of a show. I think it would be just about as much within the power of the Federal Government to make an appropriation for an effective display of stereopticon picture exhibits as either one of these two things.

But, Mr. Speaker, the majority of this House took a different view of this matter when it made the appropriation for the Buffalo exposition. There is no difference at all between these two things that I can discover, except two.

First, that Buffalo is in the north and that Charleston is in the south, and, second, that the men who wanted the Buffalo exposition appropriation obtained the aid and assistance of Congress in order to get money out of the Treasury by promises more extreme than those given for the Charleston exposition, and after the Charleston exposition people had voted for the scheme of the Buffalo men, the latter then vacated their seats in order to prevent giving the quid pro quo.

I do not find but one other difference between the two things, and that is that I consider Charleston stands upon a much higher plane of equity before Congress than Buffalo does. The Buffalo men's promises not to apply to Congress for any other appropriation were much more sacred in their character and under the conditions under which they were given than any like promises upon the part of Charleston.

You can go forward to-morrow, if you please, having first set aside all constitutional limitations in both cases, and then brand yourselves as having made an appropriation of exactly the same character for the North and having refused it for the South, if you choose. I can not find, for the life of me, any justification for either appropriation; but if there be justification for the Buffalo appropriation, there is just twice that much justification for the Charleston appropriation. [Applause on the Democratic side.]

Mr. CANNON. I yield five minutes to the gentleman from South Dakota.

Mr. BURKE of South Dakota. Mr. Speaker, the proposition embodied in this amendment was introduced into this House by a separate bill, which was referred to the Committee on Industrial Arts and Expositions, of which I am a member. The bill was considered by that committee, after a very full hearing, and the committee were unanimous in the decision that there was absolutely no merit in it whatever. This is entirely different from the Buffalo proposition.

Why, Mr. Speaker, in the hearings before the committee to which I have referred, the chairman or the president of the Charleston Exposition Association appeared and testified, and it appears from his testimony that this exposition was given simply and purely as a local matter for Charleston. I refer now to his testimony on page 2 of the hearings. He says:

I have made it a special business to show those who have come to Charleston the advantages of that city as a place for investment. Of course the exposition has been given for that specific purpose. As far as I am individually concerned that has been the purpose.

And then he says:

The question with us is whether we are going to be helped out of the lurch.

The proposition as stated by that gentleman was this, that they were simply here asking Congress for an appropriation to make good a deficit that exists by reason of this exposition.

Mr. Speaker, that gentleman was unable before that committee to state what the receipts of the exposition were; he was unable to state what the expenses had been; he was unable to state what the deficit is, and he was unable to state to whom they owed the money. And if there was any merit whatever in this proposition I say that it does seem to me that Congress can not intelligently act until we know something about what the amount of the deficit is.

Mr. BARTLETT. I want to call the attention of the gentleman to the fact that when the hearing was had Captain Wagner, in answer to the chairman of the committee, made a statement which you will find on page 20—

Mr. BURKE of South Dakota. That does not contain one syllable or one word as to the deficit or who the money was owing to. Now, I can not yield further. The Buffalo proposition provided to pay for material and labor, and we know something about who the money is to go to. This provides it shall be paid for labor, articles, and services rendered to said company for work of said exposition, and reimbursement of any officer of said company.

It appears, Mr. Speaker, that a portion of the indebtedness is



due to banks in the city of Charleston. They have an overdraft of \$31,000. The president of the association says he has obligated himself for some of this indebtedness. On page 16 of the hearings he, in answer to a question by the chairman, "Who is liable for the money?" answered, "The exposition company is liable, but the exposition company is no good; I am liable for it." Now he comes to Congress and asks an appropriation to pay a deficiency that exists there that he himself says he is liable for, and to pay overdrafts on the banks in the city of Charleston.

I want to call the attention of the House to another feature of this provision, and that is that not one dollar has ever yet been appropriated by the State of South Carolina for this exposition except an appropriation for a State exhibit. Not one dollar has ever been given to this exposition, as appears from this hearing, except to pay for that exhibit.

Mr. FINLEY. Will the gentleman from South Dakota yield to me?

Mr. BURKE of South Dakota. I can not yield now.

The SPEAKER. The time of the gentleman from South Dakota has expired.

Mr. CANNON. I will yield the gentleman two minutes more.

Mr. BURKE of South Dakota. Then I will answer the question of the gentleman from South Carolina.

Mr. FINLEY. The gentleman states the State of South Carolina has not made an appropriation except for a State exhibit. Does not the gentleman know that the appropriation covered both building and exhibit?

Mr. BURKE of South Dakota. It was simply a State exhibit, just as the Government has done. The Government appropriated \$90,000 to pay for their exhibit.

Mr. FINLEY. The gentleman is mistaken in making that statement.

Mr. BURKE of South Dakota. I will show it by the president of the association in the statement that he made in the hearings before the committee.

Mr. FINLEY. The gentleman is entirely mistaken.

Mr. BURKE of South Dakota. The gentleman can not find it in the testimony before the committee. There is not a syllable of testimony except that there is an overdraft of \$20,000 due the banks, and that the president of the association himself is liable for some contingent amount, we do not know how much, and this provision in the bill asks us to vote to give them \$160,000 to pay out to whosoever they see fit if they have claims against this exposition.

Mr. CANNON. I now yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, this bill proposes to make the same appropriation that is provided for in the amendment to the general deficiency bill that was introduced in the House, and referred to the Committee on Industrial Arts and Expositions, as was said by the gentleman from South Dakota.

That committee gave to those interested in the appropriation a hearing, and upon that hearing Mr. Wagner, the president of the exposition, appears, and his testimony shows conclusively that the amount now sought by this amendment to the pending appropriation bill was to make good either the amount that has been paid by the individual members of that association or to pay amounts for which the individual members of the association are liable.

I said this morning, when we were considering the amendment in respect to the Buffalo Exposition, that if any individual member of the exposition company was liable for that deficit due to contractors I would not vote for it, and if there was any liability on the part of the State I would not vote for it; but here were the facts that the contractors who had paid their money for material and labor which went to make the exposition a success, and because of the catastrophe that occurred there in September the receipts were not sufficient to enable the company to pay that indebtedness due those contractors.

I can state to the House that from the testimony of Mr. Wagner it appears that the Charleston Exposition was not closed on any day from the beginning of the exposition to the end, including Sundays; that the deficit is due entirely to either a failure on the part of the company to properly advertise their exposition or because for some other reason the people of the United States did not attend it. Mr. Wagner expressly states to us that there were no extraordinary circumstances that interfered with the attendance at their exposition.

Now, Mr. Speaker, it seems to me that this is simply a business proposition. There is no circumstance connected with the exposition at Charleston that can in any case be construed as creating an obligation on the part of the Government of the United States to make up this deficit. In that respect the exposition at Charleston is distinguishable from the Buffalo Exposition.

There is another distinguishing feature; and it grows out of

the relation of the Government of the United States to the Buffalo Exposition and the relation of the Government to the Charleston Exposition. In the one case the Government authorized the exposition, and by authority of Congress the President of the United States invited foreign nations to participate in that exposition, to make their exhibits. In the other case the Congress absolutely refused to have anything to do with the Charleston Exposition by refusing to appropriate money to enable the Government of the United States to make exhibits at that exposition. The two cases are entirely different.

I want to say further that this Congress has already made a gift of \$90,000 to the Charleston Exposition. Before the Exposition was opened the managers came to Washington and interviewed the President. They secured from him permission—

The SPEAKER. The time of the gentleman has expired.

Mr. TAWNEY. I would like time simply to complete my statement.

Mr. CANNON. I yield the gentleman one minute more.

Mr. TAWNEY. They secured from the President permission to take the Government exhibits of the Pan-American Exposition to Charleston upon the express promise that they themselves were to defray the expense of transportation and maintenance. But when Congress convened it was apparent that there would be a deficit, and then they came to Congress and asked us to make good a portion of that deficit by appropriating money enough to defray the expense of transporting the Government exhibits to Charleston and the expense of their maintenance.

We appropriated \$90,000 for that purpose, almost all of which has been paid, according to the report of the Secretary of the Treasury to our committee. Therefore I think the two cases are entirely different. South Carolina has already received a donation from the Federal Government.

[Here the hammer fell.]

Mr. CANNON. I yield now to the gentleman from South Carolina [Mr. FINLEY]. How much time does he wish?

Mr. FINLEY. Just a few minutes. I do not propose to detain the House.

Mr. CANNON. I yield five minutes to the gentleman.

Mr. FINLEY. Mr. Speaker, it was not my intention to further debate this proposition this evening; nor would I have done so but for the fact that statements have been made here on the floor which are incorrect. It has been stated that South Carolina did not appropriate anything except for an exhibit. The fact is that the State of South Carolina made an appropriation of \$50,000 for a building and an exhibit.

It may be said that \$50,000 is not very much, but I wish to say to the members of this House that in the State of South Carolina, where there is less than \$200,000,000 worth of property on the tax books and where the taxes collected for State purposes are about \$1,000,000, \$50,000 is, in round numbers, about 5 per cent of all the money paid into the State treasury in the way of taxation annually.

So I submit that the State did make an appropriation. More than that, the city of Charleston made one of like amount, and the counties of South Carolina had their exhibits.

The gentleman from South Dakota argues that there is nothing to show where this money will go. If members will turn to page 21 of the report of the committee they will find this statement:

Amount of claims made by contractors and for materials and workmanship.....	\$108,579.51
Amount cash loans due.....	\$115,000
Amount cash loans about.....	32,000
	147,000.00
	250,579.51

Now, I say to the gentleman from South Dakota and to members of the House that every dollar here appropriated will go—

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. Mr. Speaker, I yield one minute more.

Mr. FINLEY. Mr. Speaker, I will say to the members of this House that every dollar that is asked for will go to the contractors, to the material men, and to the laborers, or those who have paid the bills and stand in their shoes. Not one dollar will go into the pockets of any member of this corporation.

The bonds that were issued were a mortgage upon the gate receipts. Two-thirds of that has been paid, and that is all that will be paid. Not one cent that is asked here will go to the bondholders—to the men who furnished the money and took the bond of the exposition company.

The SPEAKER. The time of the gentleman has expired. The question is on the motion of the gentleman from South Carolina, that the House recede from its disagreement to the amendment of the Senate and concur in the same.

The question was taken and the motion agreed to.

On motion of Mr. FINLEY, a motion to reconsider the last vote was laid on the table.

## NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I desire to submit a conference report on the naval appropriation bill, and I ask unanimous consent to dispense with the reading of the report and that the statement of the House conferees may be read.

Mr. GAINES of Tennessee. Mr. Speaker, we have been doing that several times to-day, and a good deal of confusion and misunderstanding has occurred. I would like to ask the gentleman what is in the report and how long it is?

Mr. FOSS. Oh, it is a very short report.

The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with the reading of the report and that the statement only be read. If there is no objection this course will be pursued. [After a pause.] The Chair hears none.

The Clerk read the statement, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes, submit the following written statement, to wit:

The committee of conference have been unable to agree on the following amendment:

On No. 91, as to "Increase of the Navy" and the method of construction of new ships authorized.

GEORGE EDMUND FOSS,  
R. W. TAYLER,  
ADOLPH MEYER.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 91 to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes, having met, after full and free conference have been unable to agree.

GEORGE EDMUND FOSS,  
R. W. TAYLER,  
ADOLPH MEYER,  
*Managers on the part of the House.*  
EUGENE HALE,  
GEO. C. PERKINS,  
*Managers on the part of the Senate.*

Mr. FOSS. Mr. Speaker, I now move the adoption of the report.

The SPEAKER. The Chair thinks that that is not a motion to be permitted. The report is simply a statement that the conferees have been unable to agree. There is nothing to be voted on there.

Mr. FOSS. I supposed it was proper to adopt or accept.

The SPEAKER. What is the motion of the gentleman?

Mr. FOSS. I move that the House recede from its disagreement to amendment No. 91 and concur in the same with an amendment striking out said amendment, and inserting in lieu thereof the following; which I will send to the Clerk's desk to be read.

The SPEAKER. The gentleman from Illinois moves to recede from this amendment with an amendment, which the Clerk will read.

The Clerk read as follows:

That the House recede from its disagreement to amendment No. 91, and agree to the same with an amendment striking out said amendment and inserting in lieu thereof the following:

"That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract two first-class battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of not more than 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$4,212,000 each; two first-class armored cruisers of not more than 14,500 tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of their class, and to cost, exclusive of armor and armament, not exceeding \$4,650,000 each; two gunboats of about 1,000 tons trial displacement, to cost when built, exclusive of armament, not exceeding \$382,000 each; and the contract for the construction of each of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled 'An act to increase the naval establishment,' as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery, and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy; and not more than two of the six battle ships, armored cruisers, and gunboats provided for in this act shall be built by one contracting party.

"One battle ship or one armored cruiser herein provided for shall be built on or near the coast of the Pacific Ocean or the waters connecting therewith; but if it shall appear to the satisfaction of the President from the bidding for such contracts that said vessel can not be constructed on or near the coast of the Pacific Ocean at a cost not exceeding 4 per cent above the lowest accepted bid for the corresponding vessel provided for in this act, he shall authorize the construction of said vessel elsewhere in the United States, subject to the limitations as to cost hereinbefore provided. If the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of any of the vessels herein authorized, then he may build such vessel or vessels in such navy-yards as he may designate: *Provided*, That the Secretary of the Navy shall build one of the vessels authorized by this act in such navy-yard as he may designate: *Provided further*, That the Secre-

tary of the Navy shall build all the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

"The Secretary of the Navy is hereby instructed to keep an accurate account of the cost of inspection and construction of vessels provided for in this act, whether built in Government yards or by contract, and report thereon to Congress, at each session, the progress of work and cost thereof including the inspection of all the material going into the construction of said vessels, and, upon the completion thereof, to report a full and detailed statement showing the relative cost of inspection and construction in Government yards and by contract."

Mr. FOSS. Mr. Speaker, I desire to add to that the following, which I will ask to have read.

The Clerk read as follows:

And for the purpose of preparing and equipping such navy-yard or navy-yards as may be so designated for the construction of said ship or ships, the sum of \$175,000, or so much thereof as may be necessary, is hereby appropriated for each of the navy-yards in which the Secretary of the Navy may direct any such ship or ships to be built.

Mr. RIXEY. Mr. Speaker, I would like to ask the gentleman a question in regard to the amendment.

The SPEAKER. Does the gentleman yield?

Mr. FOSS. Yes.

Mr. RIXEY. Is the amendment which was read from the RECORD by the Clerk before this last amendment which you now propose the same amendment as was proposed yesterday?

Mr. FOSS. The amendment which was read from the RECORD is identically the same. I have added to it, however, the provision which I just now sent to the Clerk's desk, providing for an appropriation of \$175,000 for equipping any or each yard in case the Secretary of the Navy finds that such yard is not properly equipped.

Mr. HANBURY. Mr. Speaker, I should like to ask, as a member of the House, what the gentleman has in mind, or what navy-yard he seems to have in his mind, which is not thoroughly equipped to-day, and needs \$175,000 to equip it?

Mr. WATSON. Why, every one of them.

Mr. FOSS. I would say to the gentleman that the Chief Constructor of the Navy, Admiral Bowles, appeared before the committee and said that there were very few of our navy-yards which were well enough equipped for the building of ships without an appropriation of this kind. I presume that to-day our best equipped yard is New York, but some of the other yards are not equipped for the building of ships at the present time.

Now, Mr. Speaker, I would ask my colleague upon the committee [Mr. TAYLER of Ohio] if he desires time for the discussion of this question?

Mr. TAYLER of Ohio. Mr. Speaker, I do not know exactly how much time will be needed on our side of the question. I suppose the gentleman in charge of this amendment has an hour, and if he will yield half of that time to me, we will get through as soon as we can.

Mr. FOSS. I will gladly yield one-half of my time to my colleague.

The SPEAKER pro tempore [Mr. DALZELL]. The gentleman from Ohio has thirty minutes.

Mr. TAYLER of Ohio. Mr. Speaker, this controversy between the two Houses has reached an acute stage, and the question is whether the House, after having twice debated this proposition, while no debate has occurred at the other end of the Capitol, will now recede from the position which it has deliberately taken and refuse to stand where it stood before.

And I desire, Mr. Speaker, at the outset, to advert to a statement made in the hearing of gentlemen some time ago, and in principle repeated by the chairman of the Committee on Appropriations [Mr. CANNON] a few minutes ago, not in relation to this matter, but as indicating the ground that some gentlemen are taking as to the duty of the House at this juncture, namely, that as the House is proposing new legislation, it is the duty of the House in case of conflict to recede.

I dispute the accuracy of that statement of fact as to this bill. This bill, like all other naval appropriation bills, provides for the construction of battle ships, armored cruisers, and gunboats. That is the essential part of this portion of the bill, and whether they be built in Government yards or whether they be built by private contract is a mere incident, necessarily superimposed upon the main proposition of building ships. And to say that we are injecting new propositions into old measures and old methods by reason of the fact that we merely say that a part of these ships shall be built in Government yards is drawing a finer sight upon the situation than I am capable of following.

Now, Mr. Speaker, it is unfortunate, in my opinion, that this controversy has arisen in the way in which it has, and that so much has been said about outside pressure from labor organizations, etc., impelling men to vote against their convictions, and,



in a sense, to exhibit themselves as demagogues here by their voice and by their vote.

I am glad to say that, so far as I am concerned, politically and personally, and in all the relations which I expect to sustain toward others, no man can be less influenced by any such considerations than I, and I am glad to be able to stand here now in the presence of this House and assert my deliberate conviction that the time has come when this nation ought to proceed to make, in so far as it can, those things for the purchase of which it is practically the only market. [Applause.]

I want to say this to gentlemen on this floor, and to apply it to myself in an equal way, that we made a grave mistake some years ago when we did not adopt the policy of making our own armor plate. [Applause.] I myself opposed that, and I think if it was presented as an independent proposition I would oppose it to-day, because I do not think we are going to buy enough armor plate at a time to make it pay for us to run our own armor factory; but that is not here now, and I do say this, that if we had built our own armor factories six years ago, as on the floor of this House it was contended we ought to do, we would to-day have more than paid for that armor factory in the increased price that we have had to pay for our armor since that date. The injection or introduction of a single threatened bidder for armor two years ago resulted in a saving to this Government of nearly \$2,000,000 in the current contracts for armor which we are now receiving.

We might just as well meet this question now as at any other time. This country demands that at least the experiment be tried as to whether and how we can build Government vessels in Government yards. There is a good deal of archaic talk about the time when we built the *Raleigh*, the *Cincinnati*, the *Maine*, and the *Texas* in Government yards; but to compare our capacity and our capabilities, both as to factories, implements, men, mechanics, and engineers, with the industrial conditions that prevail in our Government works to-day is as though one would undertake to compare the construction of John Stephenson's first locomotive with a 120-ton locomotive of to-day.

We might as well try the experiment now. Speaking for myself, I will be perfectly satisfied, as I was perfectly satisfied when this bill was under consideration, if we provide for the building of only one of these great battle ships in a navy-yard. If we do build it, we will find out what our capacity is, and it is quite as important to know what we can do, whether we know we can not do it well or that we can do it just as well; that we should know that as that we should pay more or less for the thing that we undertake to manufacture.

Then, again, our yards ought to be equipped, one or more of them, for doing this great work. No one on this continent is having great battle ships and great armored cruisers built except our own country. We are the great customer for them so far as American yards are concerned, and we ought to know further whether we can build them in our own yards, so that in time of stress, if need be, or in time of monopoly, if it should come, we will know, and then we will know that we are equipped to do this great work.

Then, again, if we build one or more of these great ships, if it is known that one of them is to be put in competition as to price and character and quality with the ships built in private yards, we will at once feel the effect of that operation upon those who outside are bidding for the construction of these Government ships.

I doubt not, Mr. Speaker, that however much more the building of a great ship in the Government yard may cost us than if built by private contract, we will save all of that excessive cost in the reduction of price on the same character of ships built by contracts in private yards.

Now, I do not know, Mr. Speaker, whether at the other end of the Capitol there will be found to be an agreement if we insist upon our way; whether we may not have to yield at some time or other, it is now so late in the session; but this amendment, which is practically the amendment which was voted down last Saturday, in my judgment ought to be voted down again to-night, and at the other end of the Capitol it ought to be known that the House, having time and again discussed this matter and put itself on record, is ready and willing to stand by its guns. [Loud applause.] I reserve the balance of my time.

Mr. HOPKINS. Before the gentleman takes his seat, I would like to ask him a question. If the House follows out the advice that he has given and votes the motion down, what is the difference between the two Houses and what is the status of the bill in the difference between the two Houses?

Mr. TAYLER of Ohio. Mr. Speaker, there is now no difference between the two Houses, save in this proposition. The conferees have met respecting this matter, and have reported their inability to agree. Now, if this amendment is voted down, a motion will be made that the House insist upon its disagreement to the Senate amendment, and ask for a further conference,

and the bill will then go to the Senate with this question before the conferees.

Mr. DAYTON. May I ask the gentleman a question?

Mr. TAYLER of Ohio. Certainly.

Mr. DAYTON. If the House takes the course you have offered, will you state to the House your judgment as to the likelihood of getting any other agreement?

Mr. TAYLER of Ohio. Well, I would not be here urging the House to take the action that I have urged upon it if I did not have some belief upon the subject. [Loud applause.] If the gentleman from Virginia desires some time, I will yield to him.

Mr. RIXEY. It is possible that some one in favor of the motion may desire to be heard next. I would like to be recognized after a while. The gentleman from Illinois will, perhaps, consume some of his time.

Mr. FOSS. I want to say to the gentleman that I do not care to speak now. I desire to close the matter. [Cries of "Vote!"] I claim the right to close debate. [Renewed cries of "Vote!"] I suggest that the gentlemen proceed with their side of the discussion.

Mr. FITZGERALD. Mr. Speaker, I rise to a question of order. I make the point of order that the gentleman from Illinois, representing the minority of the conference committee, and a position in opposition to the express desire of the House, is not entitled to control the time, particularly to have the advantage of closing debate.

The SPEAKER pro tempore (Mr. DALZELL). If the gentleman from New York had made that point of order when the gentleman from Illinois was recognized he would have sustained it. It is too late after the gentleman has controlled the time, and he is entitled to say when he will speak.

Mr. RIXEY. I would like to ask the gentleman from Illinois as to whether he is to be the only speaker in favor of the motion?

Mr. FOSS. That is a matter within my discretion.

Mr. RIXEY. I concede that the gentleman is entitled to close under the rule, but it seems to me that we ought to know whether there is to be more than one speaker.

Mr. GROSVENOR. Mr. Speaker, I do not think there is any fairness in compelling one side to exhaust all of its time and then give the gentleman from Illinois a full half hour to close debate. There is no doubt that he has the right to close, but surely he ought to yield such time as somebody else is to have. This is the first time I ever knew anybody to make such a proposition. The House can defeat that now by voting on the proposition.

Mr. FOSS. How much time does the gentleman from Ohio [Mr. TAYLER] consume?

The SPEAKER pro tempore. The gentleman from Ohio has nineteen minutes remaining of the time yielded to him.

Mr. FOSS. I will yield ten minutes to the gentleman from West Virginia [Mr. DAYTON].

Mr. DAYTON. Mr. Speaker, I do not know that I want to take up the time yielded to me. I sincerely hope that in what I do have to say I may be listened to. There can not be any question here to-night in the few hours before adjournment about this argument on building ships in the navy-yards. We stand here as the House of Representatives advocating this proposition against the Navy Department itself, against the Senate of the United States—that is so far a unit that no man in that body has had interest enough to object to a unanimous confirmation of the position taken in the Senate by itself and by its conferees on this question.

There can be no question about another matter, that this legislation originated in the House; that it is new legislation, and that under the rule that this House has continually fought for, it is the duty of the body that proposes the change of existing law without the consent of the other to recede.

I want to say to the House, in absolute candor and sincerity, that for four days as a conferee on this bill we sought in every way to carry out the will and wishes of this House and secure an agreement such as the House desired upon this proposition. I want to say to you that it has been stated to us that the Senate has been called on this proposition, and that not more than five or six in any way, shape, or form were favorably inclined to the proposition of the House as presented here in its original new legislation ingrafted on this bill touching this proposition.

Now, under this situation, a proposition is suggested that will provide for the building of one ship in the navy-yard; providing further, that if there is a combination of the shipbuilders and the Secretary of the Navy is convinced of that, all of those ships shall be built in the navy-yards; and it further provides that if the price shall not be reasonable they shall be built in the navy-yards. This proposition, I submit, is a fair proposition for us and will test the question whether or not ships can be built in the navy-yard as cheaply as they can be built in private yards.

I have read the testimony, and I was present when the representatives of the labor organizations appeared before the

Committee on Naval Affairs, and I want to say to you that in these hearings the representative of the labor organization himself, in answer to a question, said that he did not believe it would be wise for us to undertake the construction of the largest ships in the navy-yard. I want to say further to you that in conversation with these representatives they have placed themselves squarely on the proposition that if we could not build ships as cheaply in the navy-yards they would not ask it or demand it. Now, I want to have a fair test.

Mr. RIXEY. Will the gentleman yield?

Mr. DAYTON. The gentleman can get time of his own; I decline to yield now. I want to say further, let us be reasonable on this proposition. They say under this proposition the Secretary of the Navy may build a gunboat in the navy-yard. I want to say to you that is not, in my judgment, what he will do, because I believe our former colleague will be fair in making this test, as we all desire it to be fair if it is to be made.

There is not a single member of this House but that wants a fair test. I will tell you why it is not wise to specify what ships shall be built, for two reasons: One was suggested by one of the labor witnesses himself. If we specify it to be a battle ship that shall be built in the navy-yard there will be a combination among the private shipbuilders, a secret understanding that one of their number will bid that battle ship down so low that the navy-yard that shall build the other sister ship will not be able to compete with it, and they can make up the loss to the one that bids.

Furthermore, there is a reason why it should not be specified. The Secretary of the Navy may ask for bids on all six of the ships; and all six of them under the provisions of this amendment may be subject to be built in the navy-yards. One of them will be bound to be built in a navy-yard. Then, when those biddings come in, the Secretary of the Navy will have a club over the head of the private shipyard builders. Why?

Because those who bid upon those ships will do it with the understanding that if their bids are not down to the lowest figure—if the bid is not the lowest opened—the highest opened can be placed in a navy-yard, so that it will break down the price or the cost of all these ships; it will prevent a combination between the shipbuilders, and will enable the Department to build the designated ship at lower than its actual cost; so that the test in the years to come will not be a fair and complete test.

Now, gentlemen, I submit to you in all candor and in all sincerity that every effort has been made to adjust this difficulty and this deadlock. Certainly we have voted upon this proposition again and again; we have tried to concentrate the conferees upon this matter. Why not let the matter stand, and trust the Secretary of the Navy to be fair.

According to the statements of the laboring men themselves who appeared before the committee, a fair test upon one ship was all they asked or demanded. Their only fear was that the test, under the provisions of this amendment, would not be a fair test. But it can not be anything but a fair test. Let us have the test; let us not go headlong into the construction of ships in our navy-yards when the contractor who formerly favored this proposition has, upon fairly going over the whole matter, told us that it will cost us 25 per cent more, and that each one of these yards will have to have an expenditure of \$175,000 to begin with.

Let us give a fair test. Let it be a test that will be satisfactory to the Department and satisfactory to the laboring man.

Mr. TAYLER of Ohio. I yield ten minutes to my colleague [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, the argument of the gentleman from West Virginia [Mr. DAYTON] is that when the Senate of the United States plants itself upon a proposition it is the duty of the House to yield to that body, to waive its own judgment, and to retire from the controversy. That is the argument, and that has been the course of management of this committee from the beginning to the end. [Applause.]

Mr. Speaker, there has come to this House an appeal from a great element in this country with which I have heretofore had no sympathy so far as to believe in the argument which they have put forward. But they insist, and have done so in a manner and through organizations and through appeals that I am not willing longer to resist, that there shall be a fair experiment made here as to the relative cost of building one or more of these ships in the navy-yards of the country as compared with the private yards.

Now, the attitude of these gentlemen on this floor is this: They come forward and tell us that we have no navy-yards that are now fitted for this business, and yet they propose here by an amendment to this amendment to expend \$175,000 for the purpose of equipping those navy-yards to do just exactly what we ask Congress to compel the Secretary of the Navy to do, at least so far as one ship is concerned.

Now, Mr. Speaker, the language of this amendment is a cheat

and a fraud. [Applause.] I use very plain language on this subject, and I challenge the gentleman from Illinois who stands up here annually and undertakes to bulldoze this House of Representatives [applause]—I challenge the gentleman to read the language of the amendment and say that there is any provision in it for a test. He knows that the language here does not result in the thing he claims. [Applause.] Let me read the language.

Mr. FOSS. Read the language.

Mr. GROSVENOR (reading):

If the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of any of the vessels herein authorized, then he may build such vessel or vessels in such navy-yard as he may designate.

Now, then—

Mr. FOSS. Read on.

Mr. GROSVENOR. Oh, I will "read on" as much as I please. That is just the style of the gentleman—to get up and demand that another gentleman shall "read on." [Laughter and applause.] I want the gentleman to understand that I am making this speech and that I am not under his dictation. [Applause.] The gentleman says "Read it now."

I will read it when I get ready. That is the way this business has been run up to this time. Who is to decide whether these prices are reasonable or not? Is it to be ascertained by some competition with outside people, or are we to ascertain, once and for all, by an experiment that this country has the genius to make what is a reasonable price for the construction of a battle ship? That is what we want to get at, not the estimates that are put upon it by the Secretary of the Navy. Now, let us see what follows:

*Provided*, That the Secretary of the Navy shall build one of the vessels authorized by this act in such navy-yard as he may designate.

What vessel? What vessel? There is the trick of it. We have asked for a vessel, a vessel of standard type, a vessel that will settle the question once and forever as to the relative cost of these great ships—the armored cruiser or the battle ship. And why does not the gentleman put it into his language, if he wanted to treat the House fairly, that it should be one battle ship, or one ship even. If he had been willing to even put the word "ship" into it, I would have tried to be content.

Mr. FOSS. Mr. Speaker, I will say to the gentleman if he will offer that amendment, I will accept it—one "ship."

Mr. GROSVENOR. Oh, yes; now he will offer that amendment, when it has been exposed. [Laughter.]

Mr. FOSS. Yes; shall build one "ship."

Mr. GROSVENOR. Shall build one of the "vessels." What kind of a vessel? There are a great many vessels. There are vessels of clay and vessels of honor and vessels of dishonor. Now, the whole purpose that we have had in this matter is to meet a great public demand and have one fair test. Why can we not have it?

The gentleman is either for such a test as I am describing or he is against it. If he is for it, why not put in the full provision for a complete test of the question of the cost of a battle ship or an armored cruiser, and make it so that there will be no question of discretion left to anybody in all this country whether it shall be executed or not. I believe that the people of this country are represented by the House of Representatives. [Applause.]

I do not believe the people of this country are exclusively represented by the Senate, or by a little coterie of the Senate, and it is to me a shocking proposition that a gentleman comes in here and tells the House of Representatives that they must go down, for the Senate will not. [Applause and laughter.] That is the argument of the gentleman from West Virginia. You must quit and give up your judgment, because if you do not do it, the Senate will not do anything for you.

Well, I am in favor of testing the Senate once more, and if this committee of conference is not willing to carry out the expressed and determined and oft-repeated will of the House of Representatives there is a parliamentary procedure that suggests itself to the Speaker of the House how that complication may be gotten rid of. [Applause.] We have a right to have the House of Representatives represented, and have it represented by those who will go into the conference insisting upon the rights of the House, and not come back here and tell us that somebody in the Senate has given notice that they never will consent to yield.

Mr. DAYTON. Mr. Speaker, will the gentleman from Ohio permit just one suggestion about that?

Mr. GROSVENOR. Certainly; make two suggestions.

Mr. DAYTON. Possibly the gentleman overlooks the fact that he is criticising the last conferees, the majority of whom entertain the views exactly that he expresses, and that I have dropped out of the conference in order that this second conference might be composed of gentlemen just like himself, who thinks this amendment objectionable.



Mr. GROSVENOR. Well, you see we have made some headway. [Laughter.]

Mr. DAYTON. I do not know what headway you have made, when your own friends have come in and reported that they can not agree.

Mr. GROSVENOR. I have known that to be done twenty-five times on a single bill in this House, and afterwards they did agree. [Laughter.] Have we reached that point in our relation to the higher branch of Congress—if it is a higher one—that all they have got to do is to stand still and say, "We will not budge another inch?"

Mr. DAYTON. I will ask the gentleman how many times he has stood on the floor of this House and insisted that the Senate must recede when it was the author of the new legislation, and whether or not he thinks there is anything in the action of the Senate improper, when this legislation originates with the House and we refuse to obey the rule that we have always insisted on their obeying?

Mr. GROSVENOR. I am not criticising the Senate; I am not talking about the Senate. I am talking about what the gentleman has said about the Senate. That is all. In days gone by I may have insisted that we should concur because the Senate was stubborn, and in days gone by I may have insisted that we would not concur. I am discussing this question now, and I believe that the whole country, not only the labor organizations, but the communities at large, the general intelligence of the country, is anxious to see and understand beyond a reasonable doubt what is the relative cost of the construction.

I believe it will be higher in the navy-yards. I have no doubt about it; but I believe it will save money, as my colleague [Mr. TAYLER of Ohio] has said. I believe if we should force the construction of one great battle ship in a navy-yard and put up the balance of them for the bidding of the outside yards the cost would go down so rapidly that we would save a large amount of money and get the exact test that we want to have made. [Applause.]

[Here the hammer fell.]

Mr. FOSS. Mr. Speaker, I yield ten minutes to my colleague from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, first, in the ten minutes allotted to me, I want to ask my colleague [Mr. FOSS] whether, in his opinion, an agreement can be obtained from the Senate to accept the House provision touching the construction of ships as therein provided in Government navy-yards.

Mr. FOSS. Do you mean the original House proposition?

Mr. CANNON. Yes.

Mr. FOSS. I do not think under any possible circumstances that the Senate will ever consent to it.

Mr. VANDIVER. Does the gentleman mean to imply that the Senate will let the whole naval bill fail?

Mr. CANNON. Oh, well, I have got this time. Now, I want to ask the gentleman from Ohio [Mr. TAYLER] a question for information. I listened to the remarks of the gentleman. Does my friend believe that another conference will secure an agreement from the Senate for the construction of a battle ship or a cruiser in a Government yard?

Mr. TAYLER of Ohio. Well, I was asked that question and answered it.

Mr. CANNON. I want to be sure.

Mr. TAYLER of Ohio. I have not changed my mind since I last answered the question.

Mr. CANNON. I want to understand the gentleman, because I want his reply for a basis for what I have to say. The gentleman can answer the question.

Mr. TAYLER of Ohio. I do not suppose that the Senate would take offense at any expression of opinion that I might now give as to what it would do.

Mr. CANNON. Oh, I am entitled to ask that question of the gentleman as a member of this House.

Mr. TAYLER of Ohio. I am going to answer it. I think that the Senate will agree to a proposition to build one armored cruiser or one battle ship in a navy-yard. [Applause.] I believe they will agree to that because it is right, and the Senate have not discussed the question whether it is right or not.

Mr. CANNON. Now, Mr. Speaker, it is agreed all around, practically, that some time to-morrow there will be an agreement between the House and the Senate to quit for this session. Yet I am frank to say that, in my judgment, if such is the sense of the House, there is time for another conference with the Senate, and an opportunity to agree touching the matters in difference upon this amendment. An agreement is what we want. We may not agree as to what that agreement ought to be, and I am not here now to discuss, more than by a mere reference, the merits of the proposition.

I do not know that I have discussed it at any time. I have my opinion about it, but I am here to say that in my judgment this

is a legislative provision. It is legislation from the beginning to the end, to build ships, and where and how they shall be built, and under what conditions. It is legislation proposed by the House, and if the House and Senate can not agree the bill to support the Navy can not pass.

Mr. GROSVENOR. Will the gentleman permit—

Mr. CANNON. I will not yield just this second. I will in a moment, but I want to finish this point.

Mr. GROSVENOR. The gentleman from Illinois has asked questions over here, and I should like to ask him a question.

Mr. CANNON. A little later on I will yield to my genial friend, never more genial than he is now. [Laughter.] Let me state my proposition, and then I will yield to my friend in good faith.

Now, Mr. Speaker, this is legislation on a general supply bill, which bill must pass or the Navy must tie up.

Mr. SULZER. We do not have to adjourn.

Mr. CANNON. Which bill must pass or the Navy must tie up on and after the 1st of July, or some other provision be made to pay the men, to buy the fuel, to make the repairs, and so on.

Now, I think the bill is going to pass. It could pass by the whole amendment to build all the ships anywhere being stricken out. If that amendment was disposed of, then the bill could pass for the support of the Navy otherwise for the coming year. Now, the House proposing the legislation, if the Senate does not agree to it the responsibility is upon the House in defeating the bill, because it is the place of the House to recede, as it was the place of the Senate to recede touching Charleston if the House had not agreed with the Senate.

So much for the parliamentary situation. Now, one word. Upon the merits, we have always defended the navy-yards for two purposes, one to make repairs, the other to be prepared, in the event that private shipyards would not build for a reasonable amount, to build ourselves, keeping the check upon them.

I recollect, however, Mr. Speaker, what has been the proposition. Under the lead of Samuel J. Randall, when we commenced to construct the new Navy, we were especially anxious to build the ships by contract so that we could stimulate shipbuilding by the citizens.

We have got the yards at Newport News, two or three at Philadelphia, one on the Delaware, on the Lakes, for everything except battle ships, and all around great private yards under this policy in which there are 20 men employed that earn their living in the sweat of their faces where there would be 1 man employed if we would build all these ships in the navy-yards.

Still, whatever views I may entertain, I have respect for the views of the brethren in the House. We go by majorities. I am quite content, if such be the will of the House, that this should go back to conference, and that the gentleman from Ohio can see if he can get a provision to build one battle ship or one cruiser assented to by the Senate.

Mr. GROSVENOR. That is a point on which I would like to ask the gentleman a question.

Mr. CANNON. With great pleasure.

Mr. GROSVENOR. Does the gentleman believe that if the House of Representatives would respectfully insist that they desire, in obedience to popular demand, to have one battle ship built under these conditions, the Senate would defeat the passage of the naval appropriation bill in order to have their way about that one little matter?

Mr. CANNON. Well, now, then, does the gentleman believe that if the Senate would not, that the House proposes to say to the Senate that they would starve the Navy for twelve months because it could not have its way.

Mr. GROSVENOR. A resolution could be passed in this House in ten minutes that will save the Navy from starvation.

Mr. CANNON. I have answered the gentleman's question, and—

Mr. GROSVENOR. The resolution is already drawn and ready to be offered.

Mr. CANNON. I have yielded to the gentleman courteously.

Mr. GROSVENOR. But did not answer my question.

Mr. CANNON. Oh, nobody—not even Deity himself, if He would answer the question—could answer satisfactorily to the gentleman from Ohio. [Laughter.] Now, I am not going to undertake to satisfy him. I have tried for years. It can not be done. He was not made to be satisfied. [Laughter and applause.]

Now, at the hour of almost 11 o'clock—hoping that the House will soon adjourn until 11 o'clock to-morrow—I am quite content that this bill should go back, on the belief of the gentleman from Ohio. I do not see that it can do any hurt to let it go back and see if it can be accommodated; and an agreement is desirable. An agreement will be had, in my judgment.

Now, then, one further word. I like the gentleman from Ohio. Several MEMBERS. Which one?

Mr. CANNON. Both of them. [Laughter.] I like my colleague from Illinois. I have had contests with the gentleman from Ohio. I have had contests with my colleague from Illinois. And, first and last, I have had more or less contests with most members here. [Laughter.] We have always kept our temper.

Once in a great while, about the closing of the session, however, when there is a try to tread the ground, then the senior gentleman from Ohio tears a passion to tatters, you know, and issues a "defi" against the world. [Laughter.] Why, if we were to go back in old ancient Grecian times, he would defy Jupiter himself [laughter and applause], and throw him out of Olympus, where the army failed to throw him out, away back there according to the old heathen myth.

I want to say, in just one minute more, to my colleague, "Do not turn pale." [Laughter.] Do not shrink in height a single half inch from your magnificent 6 feet. [Renewed laughter.] The sun will rise on the morrow, and the senior member from Ohio will greet you on the morrow, as he will greet me, and say, "How do you do, Foss? We had a nice time last night." [Laughter.] I respect my friend's interest.

Now, Mr. Speaker, I have said about all I want to. I am quite willing to see my friend's amendment adopted if the majority think so. I am quite willing, perhaps a little more desirous of seeing my friend the junior member from Ohio have another chance, to see if we could have one battle ship built in the navy-yards.

I propose, however, that we will not forget one thing—that this bill, when enacted, carries seventy millions and authorizes forty millions more. I propose that we will not forget another thing, that when these bills are aggregated they will carry seven hundred and fifty millions, including appropriations for Panama or Nicaragua Canal, and that it will amount in authorizations and appropriations to over a thousand millions.

Now, then, I want the Navy. I want a good Navy. I want the American wage-earner to receive good wages, exceptionally good wages, which all the balance of the eighty millions contribute by taxation to pay; but I do not want to further strengthen any one of the dozen navy-yards by making it one to complete and build the ships of the world or of the Navy or of our ships like unto the ships of the world except as it may be necessary. So much for the merits. Having said that much, I thank gentlemen for their attention.

Mr. TAYLER of Ohio. Mr. Speaker, how much time is there remaining?

The SPEAKER pro tempore. The gentleman from Ohio has nine minutes remaining, and the gentleman from Illinois five minutes.

Mr. TAYLER of Ohio. I yield three minutes to the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN].

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I deny the proposition as announced by the gentlemen from Illinois [Mr. CANNON] who has just taken his seat. He says in this situation it is the duty of the House to yield, if either body shall yield. To-day there is no legislation provided for the construction of these battle ships. This bill authorizes the building of two armored cruisers, two battle ships, and two gunboats. There is no law which provides for their construction.

The very act that authorizes their construction at all must provide for the manner and for the place of their construction. This House did provide that one-half of them should be constructed in the navy-yard. It goes to the Senate, and the Senate strikes out that provision and provides that they shall be constructed by contract. Who first starts the legislation? The Senate urges the legislation as much as the House rejects it.

It is the duty of the Senate to recede from their amendment, in my judgment, and not the duty of the House to recede. We are not starting new legislation except in the fact that we authorize the construction of the ships. The Senate consents to the construction of the ships, but strikes out our method of constructing them and inserts theirs. It seems to me common sense to say that that body that brought about the disagreement ought to yield, and this House ought to stand on its rights.

This Government has \$80,000,000 invested in navy-yards, and it spends vast sums of money in these yards. The repair work of the Government yards amounts to five millions a year, and we have this enormous expense, this enormous investment, to turn out \$5,000,000 worth of repair work.

These gentlemen, Mr. Speaker, who are fresh from the people, elected by the people, knowing the wants of the people, have twice voted deliberately, after debate, in favor of the construction of the battle ships one-half in the Government shipyards. Shall we now surrender to the Senate under this situation? Shall we surrender to these private shipyards that have been encouraged to the extent of \$127,000,000 until they have become giants? In the last month they have organized a concern of six large shipbuilding plants in the country and annexed or brought under control an armor-plate factory.

You tell us that they need further encouragement on the part of the Government. It can not be. Let the Government yards build some of these ships. As we argued years ago, it ought to have built an armor-plate factory, and if we had it would have saved the Government many million dollars and would have helped to keep down the appropriations which the gentleman from Illinois is struggling with. We want to adopt the method that will save money to the Government in the long run. [Applause.]

Mr. TAYLER of Ohio. I now yield five minutes to the gentleman from Massachusetts [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, the gentleman from Illinois in his closing words gave what is to my mind one of the strongest arguments I have yet heard in favor of now starting in the policy of building some of these great battle ships in our navy-yards. He stated in his closing words that he might be willing to build a small ship, possibly a battle ship, for the purpose of getting the men in the navy-yards accustomed to that sort of work.

Why, Mr. Speaker, before our committee it was in evidence on the part of the Chief of the Bureau of Construction that one of the elements of added cost in building ships in the navy-yard came from the very fact that the navy-yards to-day did not have men who are skilled and experienced in the construction of iron ships. And he stated that the second and third of these big ships built in the yard where the men had had experience would cost less and less until they got down to a plane with the men in private yards, who had the peculiar knowledge and skill gained from building these great ships.

Now, Mr. Speaker, a great deal has been said here from one member of the committee about what the labor organizations wanted. My colleague on the committee stated that one of the representatives of organized labor stated that they did not want a great battle ship built in the navy-yard. I was present at this meeting, and I failed to hear any such statement.

The statement was made, however, by the head of one great labor organization that they did not want one small vessel built in a navy-yard, and he gave this reason: He said such a test would not be a fair one, because it was more than probable that, with a small ship, costing not over three or four hundred thousand dollars, the contractors outside would pool together and put in a bid so low that the ship built in the private yard would be constructed at less than actual cost, simply to discredit the Government yard in the construction of these ships.

Therefore he wanted, not a small gunboat, but a large warship constructed in one of the Government yards. He wanted a battle ship and a cruiser and a small gunboat to be so constructed. I believe, Mr. Speaker, that in that way, and that way only, can come a fair test of the relative merits of this proposition—whether the large vessels can be constructed as cheaply or less expensively in a Government yard than in a private yard—whether also the Government yards may not be able to build the small boats as cheaply or more cheaply than the private yards.

Mr. DAXTON rose.

Mr. ROBERTS. I have only a moment, and I decline to yield.

Now, the gentleman from Illinois tells us about how we have built up the private yards in this country. We have built them up. Since 1883 the Government has paid, or agreed to pay, to the private shipbuilders in this country \$127,000,000 for war vessels. We have in that time authorized 136 war vessels to be constructed in the private yards, and they have yet in their yards vessels to the amount of \$71,000,000.

[Here the hammer fell.]

Mr. TAYLER of Ohio. Mr. Speaker, in my concluding words I want to refer to an observation of the gentleman from Illinois [Mr. CANNON]. He said, cavalierly enough, that he did not know that he had any serious objection to the conferees (and he apparently referred to me in particular) going back and endeavoring to obtain an agreement with the Senate conferees on this subject, implying that it was the conferees that would do the work, that their persuasiveness would accomplish the result. Now, my relation to this matter must be, in the nature of things and in the situation in which we find ourselves, entirely impersonal.

The Committee on Naval Affairs of the House had lengthy and elaborate hearings on this subject. The House on two occasions has debated it, and again to-night is debating it. No question that has come before the House—and this being a question of a nonpolitical character is more likely to be carefully and candidly considered by members—no question has been more carefully considered than this.

And Mr. Speaker, it is the cogency of the votes of this House that will operate to bring about an agreement with the Senate. The Senate has not considered these questions—the House has time and again considered them; and because of the conclusive way in which the House has expressed itself and in which I believe it is now about to express itself the Senate will come to the conclusion at which we have arrived.

[Here the hammer fell. Cries of "Vote! Vote!"]



Mr. FOSS. Mr. Speaker, I do not care to take up the time of the House. My only purpose here this evening was simply to test in some way the sense of the House. I knew it had to be done by a motion of some character or another. We were getting to the very eve of adjournment, and I was anxious in some way to see to it that this great naval appropriation bill authorizing an expenditure of \$79,000,000 for the maintenance of the Navy and for the building of new ships should not fail.

I do not share the confidence and faith which my colleague from Ohio has. I have been in more conferences than he on this bill, and when the Senate conferees suggested that this bill was at the point where it might fail, and that we would have to bring in a resolution to extend the appropriations for the fiscal year, then I thought we had reached a serious stage in the contention between the two Houses.

I am very glad, however, that the motion which I have made has given an opportunity to feel the pulse of this House, and that is all I desired. I am glad also that it gave the distinguished gentleman from Ohio and my honored colleague from Illinois a chance to make a little byplay here—a very amusing byplay—for the entertainment and edification of us all.

But when the gentleman says that I have attempted in times past to "bulldoze this House," I leave it to every member here to say who is the biggest bulldozer.

Mr. GROSVENOR. I was only quoting a remark of the gentleman from Illinois [Mr. CANNON], made two years ago, just about this time.

Mr. FOSS. And when the gentleman from Ohio said that nowhere in this bill is it made mandatory upon the Secretary of the Navy to build a ship in a navy-yard, he did not read the bill aright, because it is made mandatory upon the Secretary of the Navy to build a ship in a navy-yard; but it is left in his discretion to say what shall be the character of that ship and in what yard it shall be built.

Mr. GROSVENOR. A toy ship.

Mr. FOSS. A toy ship? He has the discretion to build a battle ship or an armored cruiser or a gunboat, and the gentleman from Ohio knows it, and I hoped he would have the frankness to say so.

Mr. GROSVENOR. I said exactly that, but I said I wanted it to be compulsory upon him to build one of the larger type.

Mr. FOSS. Now, I say to the gentleman from Ohio that it would be infinitely more to the benefit of the Government to leave the character of that ship unnamed and within the discretion of the Secretary of the Navy.

Why, if you name a battle ship in that bill and say that the battle ship shall be built in the navy-yard, that is notice to the shipbuilders of the country that one battle ship must be built in a navy-yard, and they might combine and put in a bid very much lower on the other battle ships which the private contractors are to build, whereas if you leave it to the discretion of the Secretary of the Navy as to whether he will build a gunboat or a cruiser or a battle ship, then by reason of that uncertainty the Government will secure better prices for the construction of its ships, because the private shipbuilders will not know what kind of a ship the Secretary of the Navy will build in the navy-yard.

But, gentlemen, I do not care to press this motion any further. It has served its purpose, namely, to test the sentiment and pulse of this House, and if the gentleman has any faith or confidence that we will secure a battle ship or a cruiser and that it can be named in the bond and in the bill, and that is the sentiment of the House, I will go with him, as I have gone heretofore, because that was the provision which I had the honor to report in the naval appropriation bill.

Now, Mr. Speaker, I will withdraw the amendment and move that the House further insist upon its disagreement to the amendment of the Senate and agree to the conference asked for by the Senate.

The SPEAKER. The question is on the motion of the gentleman from Illinois, who withdraws his amendment, that the House further insist upon its disagreement to the amendment of the Senate and agree to the conference asked by the Senate.

The motion was agreed to.

The Chair announced the following conferees on the part of the House:

Messrs. FOSS, TAYLER of Ohio, and MEYER of Louisiana.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that when the House adjourn, and if this be agreed to I propose to move to adjourn immediately, it adjourn to meet at 10 o'clock to-morrow morning.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourn it adjourn to meet at 10 o'clock to-morrow morning. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 11 o'clock and 3 minutes) the House adjourned until 10 o'clock to-morrow morning.

#### EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a statement of the documents received and distributed by the Department during the year 1901—to the Committee on Printing, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 13075) to amend section 3 of the "Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing," etc., approved February 10, 1891, reported the same with amendments, accompanied by a report (No. 2736); which said bill and report were referred to the House Calendar.

Mr. JOY, from the Committee on Accounts, submitted statements of the Clerk, Doorkeeper, Sergeant-at-Arms, and Postmaster of the House, and the Superintendent of the Capitol Buildings and Grounds, relative to the employment, duties, and compensation of employees of the House, accompanied by a report (No. 2737); which said statements and report were referred to the Committee on Appropriations.

Mr. SOUTHARD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 2004) to establish an assay office at Baker City, Oreg., reported the same without amendment, accompanied by a report (No. 2738); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOODY of Oregon, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9202) to regulate the use of forest-reserve timber, reported the same with amendment, accompanied by a report (No. 2739); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HASKINS, from the Committee on Elections No. 3, reported resolution of the House (H. Res. 337) in the contested-election case of C. E. Wilson v. F. R. Lassiter, Fourth Congressional district of Virginia, accompanied by a report (No. 2744); which said resolution and report were referred to the House Calendar.

Mr. WOOTEN, from the Committee on the Library, to which was referred the bill of the House (H. R. 14690) providing for the erection of a monument at Cowpens battle ground, Cherokee County, S. C., commemorative of Gen. Daniel Morgan and those who participated in the battle of Cowpens on the 30th day of January, 1781, reported the same with amendment, accompanied by a report (No. 2745); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOY, from the Committee on Accounts, to which was referred the resolution of the House (H. Res. 332) to pay W. L. Walter \$336.76, as clerk of the Committee on Elections No. 3, reported the same without amendment, accompanied by a report (No. 2746); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5028) for the relief of Francis M. Oliver, reported the same without amendment, accompanied by a report (No. 2740); which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10009) to correct the military record of William Fields, reported the same adversely, accompanied by a report (No. 2741); which said bill and report were ordered to lie on the table.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HEPBURN: A bill (H. R. 15331) to amend an act to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases, approved August 8, 1890—to the Committee on the Judiciary.

By Mr. MOON (by request): A bill (H. R. 15332) to amend sections 4924 and 4927 of the Revised Statutes, relating to patents—to the Committee on Patents.

Also (by request), a bill (H. R. 15333) to amend sections 4924, 4925, 4926, and 4927 of the Revised Statutes, relating to patents—to the Committee on Patents.

By Mr. WANGER: A bill (H. R. 15334) to provide rules and regulations governing the importation of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, and fruits into the United States, and rules and regulations for the inspection of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, grown within the United States, which become subjects of interstate commerce or exportation—to the Committee on Agriculture.

By Mr. FLYNN (by request): A bill (H. R. 15340) to expressly confer American citizenship upon the people of Porto Rico—to the Committee on Insular Affairs.

By Mr. GAINES of Tennessee: A bill (H. R. 15343) further regulating the class of matter denied admission to the mail—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: A concurrent resolution (H. C. Res. 59) providing for final adjournment—to the Committee on Ways and Means.

By Mr. DICK: A bill (H. R. 15348) to increase the efficiency of the militia, and for other purposes—to the Committee on Militia.

By Mr. HENRY C. SMITH: A resolution (H. Res. 332) to pay W. L. Walter for services as clerk to Committee on Elections No. 3—to the Committee on Accounts.

Also, a resolution (H. Res. 333) authorizing the Clerk of the House to pay session employees for the full month of July—to the Committee on Accounts.

By Mr. DALZELL: A resolution (H. Res. 334) suspending the rule requiring conference reports to be printed in RECORD one day before being considered—to the Committee on Rules.

By Mr. GROSVENOR: A resolution (H. Res. 335) relating to the motion to suspend the rules—to the Committee on Rules.

By Mr. NORTON: A resolution (H. Res. 336) to investigate charges of fraud in connection with outer bar at Brunswick, Ga.—to the Committee on Rules.

By Mr. HASKINS: A resolution (H. Res. 337) in relation to the contested-election case of C. E. Wilson v. F. R. Lassiter, Fourth Congressional district of Virginia—to the House Calendar.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. GRIFFITH: A bill (H. R. 15335) to correct the military record of William Allen—to the Committee on Military Affairs.

By Mr. GREENE of Pennsylvania: A bill (H. R. 15336) granting an increase of pension to George W. Rotz—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 15337) granting an increase of pension to Benjamin Shaffer—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15338) for the relief of the estate of Sidney Markham, deceased—to the Committee on War Claims.

By Mr. YOUNG: A bill (H. R. 15339) granting a pension to John Q. Lane—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 15341) granting an increase of pension to Daniel S. Whittenhall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15342) granting an increase of pension to Samuel G. Purcell—to the Committee on Invalid Pensions.

By Mr. BOWIE: A bill (H. R. 15344) for the relief of the heirs of Xavier Willman—to the Committee on War Claims.

By Mr. BARTLETT: A bill (H. R. 15346) granting a pension to Julia A. Fletcher—to the Committee on Pensions.

By Mr. JETT: A bill (H. R. 15347) granting an increase of pension to John L. Carr—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Robert Graham and 5 other

druggists of Brownsville, Pa., in favor of House bill 178, for the repeal of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BINGHAM: Petition of retail druggists of Philadelphia, Pa., urging the passage of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BURKETT: Petition of citizens of Olsburg, Kans., in favor of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

By Mr. CANDLER: Papers to accompany House bill 15163 granting a pension to James P. Roberts—to the Committee on Pensions.

By Mr. CASSINGHAM: Papers to accompany House bill granting an increase of pension to Margaret Snyder—to the Committee on Invalid Pensions.

By Mr. CROMER: Petitions of Shelby Ray, T. M. Bly, and other retail druggists urging the enactment of the Joy bill, providing a reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CURRIER: Petition of F. E. Lovell and 2 others, of Newport, N. H., in favor of House bill 178, for the repeal of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of Andrew J. Sawyer and 34 other members of Post No. 10, Grand Army of the Republic, Newport, N. H., favoring a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. FOERDERER: Petition of 14 druggists of Philadelphia, Pa., favoring the passage of House bill 178, to reduce the tax on alcohol—to the Committee on Ways and Means.

Also, petition of the Federation of Catholic Societies of the Diocese of Pittsburgh, Pa., favoring measures looking to a discontinuance of alleged abuses and injustice toward the Catholics in the Philippines—to the Committee on Insular Affairs.

By Mr. FOSS: Sundry petitions of German-American citizens of Chicago, Ill., in relation to the Boer war, etc.—to the Committee on Foreign Affairs.

Also, sundry petitions of prominent business men of Chicago, Ill., praying for the negotiation of a reciprocal trade agreement with the Dominion of Canada—to the Committee on Foreign Affairs.

By Mr. GREENE of Massachusetts: Resolutions of citizens of Chatham and Harwich, Mass., and vicinity, in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Pennsylvania: Papers to accompany House bill granting a pension to George W. Rotz—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: Petition of druggists of North Vernon, Franklin, and Vevay, Ind., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of William Allen, for correction of his military record—to the Committee on Military Affairs.

By Mr. GROSVENOR: Petition of citizens of Oregon, Vermont, New York, and Illinois, favoring the passage of bill to require mixed woolen goods to be marked and tagged so as to show the ingredients—to the Committee on Ways and Means.

By Mr. HEMENWAY: Petition of D. A. Davison and other druggists of Princeton, Ind., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. JACK: Petition of retail druggists of Kittanning, Pa., favoring House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. JONES of Washington: Petition of the Tacoma Chamber of Commerce and Board of Trade, of Tacoma, Wash., favoring the passage of the Grosvenor bill, concerning the regulation of gasoline and other launches—to the Committee on the Merchant Marine and Fisheries.

By Mr. KEHOE: Petition of retail druggists of Carlisle and Bracken Counties, Ky., urging the passage of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. W. W. KITCHIN: Petitions of Hackney Brothers, R. T. Beck & Co., and Sykes Drug Company, favoring House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MERCER: Papers to accompany House bill 15261, granting an increase of pension to Louis Lowry—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: Petition of O. E. Dunn and other druggists of Spencer, Ind., favoring the enactment of House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. MILLER: Papers to accompany House bill granting an



increase of pension to Samuel G. Purcell—to the Committee on Invalid Pensions.

Also, petition of citizens of Wamego, Kans., in favor of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

By Mr. MUTCHLER: Petition of citizens of Pennsylvania, relating to conditions in the Philippines—to the Committee on Insular Affairs.

Also, petition of T. D. Thomas, of Leighton, Pa., favoring House bill 178—to the Committee on Ways and Means.

By Mr. OVERSTREET: Petition of George W. Sloan and other druggists in the State of Indiana, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PUGSLEY: Petition of citizens of the Sixteenth Congressional district of New York, in favor of House bill 12203—to the Committee on Invalid Pensions.

Also, resolution of Israelite Alliance of America, of New York City, approving the action taken by the House of Representatives as to the attitude of the Russian Government toward American citizens of Jewish birth attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. ROBINSON of Indiana: Petition of E. C. Carter, of Churubusco, Ind., and J. A. Schanep, of Collamer, Ind., in favor of the Joy bill, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. RYAN: Resolutions of East Buffalo Business Men's Association, of Buffalo, N. Y., favoring a bill to authorize the Mather Power Company to construct experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

Also, petition of F. M. Dunning, of Buffalo, N. Y., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SIBLEY: Petition of citizens of Warren, Tidoute, West Hickory, and Pittsfield, Pa., for reduction of tax on alcohol—to the Committee on Ways and Means.

By Mr. SNODGRASS: Petition of retail druggists of Wilson County, Tenn., in relation to House bill 178—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of retail druggists of Wake Forest, N. C., asking for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SULLOWAY: Petitions of retail druggists of Dover, New Market, and Wolfboro, N. H., urging a reduction in the tax on alcohol—to the Committee on Ways and Means.

By Mr. WARNOCK: Petition of F. O. Penny, H. S. Ritchie, and others, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill granting a pension to Alexander T. Sullinger—to the Committee on Pensions.

By Mr. WOOTEN: Petition of and papers from the joint committee of the Antitrust League, Knights of Labor, in relation to the Eastern Railroad Association—to the Committee on the Judiciary.

## SENATE.

TUESDAY, July 1, 1902.

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 6148) providing for the resurvey of certain townships in San Diego County, Cal.; and

A bill (S. 6196) to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3690) for the relief of Jacob L. Hauger.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. MUDD, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message also announced that the House still further insisted upon its disagreement to the amendment of the Senate numbered 91 to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. TAYLER of Ohio, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message further announced that the House had passed, with an amendment, the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 14839) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year; and

A bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes.

The message further announced that the House had returned to the Senate, in compliance with its request, the bill (S. 6117) for the relief of George Lea Febiger.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3896) to amend section 3362 of the Revised Statutes, relating to tobacco;

A bill (H. R. 3690) for the relief of Jacob L. Hauger;

A bill (H. R. 7105) granting an increase of pension to Silas Stotts;

A bill (H. R. 11573) for the relief of settlers on lands granted in aid of the construction of wagon roads;

A bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes;

A bill (H. R. 12977) granting an increase of pension to William L. Church;

A bill (H. R. 13617) granting an increase of pension to Anne M. Luman;

A bill (H. R. 14087) granting a pension to Lizzie Dunlap; and

A bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

### GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15108) "making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 26, 82, and 90.

That the House recede from its disagreement to the amendments of the Senate numbered 87, 88, 93, and 116, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 34, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

For extra compensation to Dallas Jones, Edward Minor, Edward Pindexter, and Joshua W. Barkley for the period from July first, 1901, to December first, 1901, in connection with the reconstruction of the roof, central portion of the Capitol, to be determined by the Superintendent of the Capitol Building and Grounds, one thousand dollars; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert fifteen thousand dollars; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

Surveys of Indian reservations: The Secretary of the Interior is hereby authorized and directed to cause careful estimates to be made and submitted to Congress at the beginning of its next session for survey of the Walker